

## Exhibit 24

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13 San Francisco Bay Conservation and Development

14 Commission

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ADRIENNE KLEIN: How's everything with the marina, Mark? Good, overall?

MARK SANDERS: I would say, overall. I mean, the marina itself is doing great. We get awards and all kinds of stuff. We're about to be certified, next two weeks, as a green marina.

But--and we're trying to get going on Phase 2, which is a boatyard. And it looks like I'll have to do--in view of the fact that it's pretty [UNINTEL], I'm going to try to do some of the boatyard and some of the retail at the same time, because I don't have enough years in front of me to get it all done sequentially and still pull it off.

So, I'm hoping, at the end, we can talk about the next steps forward, because we've pretty much been on hold for two years now. And it's--we're running out of slips. And the last fuel dock in the South Bay, somebody crashed into it. It's Coyote Point. It's down. And there's some chance they will never reopen it. So, there's--

ERIK BUEHMANN: Wow.

MARK SANDERS: Basically no fuel available in the whole South Bay anymore.

ERIK BUEHMANN: Oh my gosh. Wow.

MARK SANDERS: In the whole South Bay. I mean, it's, you know, 12 by 22 miles. And it's--  
WOMAN 1: Mark now brings in--you bring in fuel, what, every six weeks or so, by truck? And people--

MARK SANDERS: About every two months, we bring in a tanker truck and have them run down. They set up; they're Coast Guard-certified and all that. And so, we refuel at our docks, just so people can have fuel.

ADRIENNE KLEIN: Thank you.

ERIK BUEHMANN: Wow. So, do you think that there's a possibility that anyone will build a fuel dock out there? [UNINTEL PHRASE]

MARK SANDERS: Well, we're planning on a fuel dock.

MAN: [UNINTEL PHRASE]

ERIK BUEHMANN: Yeah, that's right. But that's in--

MARK SANDERS: But, other than that, there's--it's the--it's not economic anymore. If the idea isn't a full-service marina where you have to have stuff like that, you can't really make money at a fuel dock because the costs are

so high and the--

ERIK BUEHMANN: [UNINTEL]

MARK SANDERS: Pardon me?

ERIK BUEHMANN: Oh, I only was asking for, like, a drink of water.

MARK SANDERS: Oh, I'm sorry.

WOMAN 2: Oh, no, that's for you.

MARK SANDERS: Oh, it is, okay.

WOMAN 2: If you would like it.

MARK SANDERS: It takes about--it'll be about \$500,000 for the--for all--because you've got triple hoses now, with all these centers, so you can't get a leak and all that stuff. So, it's not a very economically viable thing to do.

ERIK BUEHMANN: But it's easier to have a fuel dock, isn't it, if you can--

MARK SANDERS: Well, that's what I'm saying. To do a fuel dock, if you have a floating fuel dock, you've got to have the registers there. But the special hoses and the centers, tanks on the ground with containment barriers, the overall cost, I've got three estimates now, almost \$500,000, just for the ability to dispense fuel safely.

And I keep telling people, "Go to

Coyote Point." And now Coyote Point said, "Don't send them here anymore. We're not sure that we can get back up again." because I guess the piles were rotted, somebody hit the dock, and it broke everything off. And San Mateo County doesn't really want to do it anymore anyway.

ERIK BUEHMANN: That's interesting, because I had an actual--I think I had a permit application to replace the fuel dock.

WOMAN: Ah!

ERIK BUEHMANN: And I gave it to Stephen. And Stephen has it now, I think. So, I wonder how that--we have it, because they were going to replace the--they were old creosote wood pilings or something. They were going to come out--

MARK SANDERS: Right, wood pilings. The docks themselves are shot. It's too shallow. Everything is rough. I'm fairly familiar with it because they're a part of the MRA. And so, I meet with them all the time. And so, yes, they're going through the process. But they're asking themselves, "Do we want to? Can we afford to?" They've--most of their big docks are closing up because they're not safe anymore. So, Coyote

1 Point has got problems.

2 ERIK BUEHMANN: So, well, we should  
3 probably start, because we've got everybody here.

4 BRAD MCCREA: Yeah.

5 ERIK BUEHMANN: I want to take, like,  
6 maybe the first 10 minutes to talk about your  
7 points here, like--not points, but the first two  
8 pages where you kind of have the--

9 MARK SANDERS: Responded [UNINTEL].

10 ERIK BUEHMANN: Just because most of  
11 these are fine, but we have some questions and  
12 comments about some of them.

13 MARK SANDERS: Okay.

14 ERIK BUEHMANN: So. And then, after  
15 that, we can talk about the real, like, I think,  
16 guts of what we're here to talk about, which were  
17 the dates of when public [ASSETS?] can open and  
18 the guest berth, the guest dock.

19 MARK SANDERS: Yes.

20 ERIK BUEHMANN: So, the first thing is,  
21 do you have your email that you--or do you just,  
22 like, know--

23 MARK SANDERS: I have the notes on the  
24 document that you sent me.

25 ERIK BUEHMANN: Yeah, okay. All right.

1 MARK SANDERS: But I have notes, too,  
2 [UNINTEL].

3 ERIK BUEHMANN: So, the first one I  
4 wanted to talk about was Page 2, Item 15, Line 5,  
5 where we talk about the overlooks.

6 MARK SANDERS: Uh huh?

7 ERIK BUEHMANN: And so, I guess our  
8 understanding was that you would open both of  
9 these overlooks, and you could do that--and you  
10 would do that before this stuff. And so--

11 MARK SANDERS: Yeah, because we can't do  
12 this--we can't do this until we get into the  
13 boatyard phase. So, there's no access out here.  
14 This is the area in the area that we're  
15 restricted right now by the City.

16 ERIK BUEHMANN: Right, and you're going  
17 to fence this off.

18 MARK SANDERS: We're going to fence this  
19 off. And we've got--the fence going here is right  
20 across here.

21 ERIK BUEHMANN: Oh, okay.

22 MARK SANDERS: So, we can't do this  
23 overlook. Now, obviously, the overlook will be  
24 there. And in the first half [UNINTEL] this  
25 overlook and maybe this one.

1 ERIK BUEHMANN: Yeah. That's right.  
2 That's--

3 MARK SANDERS: But this one doesn't make  
4 sense at this stage. So, there's a Western and  
5 Eastern overlook.

6 WOMAN: Do we have that diagram that we  
7 all sketched on? [UNINTEL PHRASE]

8 ERIK BUEHMANN: Yeah. And it does--and  
9 what we're saying is what we wrote down here. I  
10 guess I just was under the distinct impression  
11 that you could fence this way. So, why wouldn't  
12 that be possible, to, like, fence, like,  
13 [UNINTEL]?

14 MARK SANDERS: Because we're [UNINTEL]  
15 Phase 2 construction, digging, you know,  
16 excavation would have been finished rip-rap here  
17 even yet.

18 ERIK BUEHMANN: Oh.

19 MARK SANDERS: So, we're still placing  
20 wood [UNINTEL] along here. And the construction  
21 will be basically between the water and up here.  
22 So, this whole area is, at this point, quite  
23 rough. It's finished up to here. And this is the  
24 area here south that we're waiting for it to  
25 settle, and this summer we'll be even--be able to

1 put in the parking and the storage.

2 This drawing, by the way, is quite old.  
3 It's not the 2006 [UNINTEL].

4 ELLEN MIRAMONTES: It's that--

5 ERIK BUEHMANN: This is just the exhibit  
6 for the permit, so that's why we're using it,  
7 because it helps us to plan.

8 MARK SANDERS: Ellen, let me--can we go  
9 through the phases?

10 ELLEN MIRAMONTES: So, [UNINTEL] go back  
11 to our [UNINTEL].

12 [UNINTEL - VOICES OVERLAPPING]

13 ELLEN MIRAMONTES: I guess we probably  
14 should have made this into a cleaner, more  
15 understandable drawing at some point--

16 ERIK BUEHMANN: And we should do that  
17 for the [UNINTEL].

18 [UNINTEL - VOICES OVERLAPPING]

19 ELLEN MIRAMONTES: [UNINTEL PHRASE]

20 MAN: [UNINTEL PHRASE]

21 ELLEN MIRAMONTES: It's good, though.  
22 So, that's true. So, what we have right here is  
23 Phase 1A would be this. And that would be  
24 available now.

25 ERIK BUEHMANN: Yeah.

1 ELLEN MIRAMONTES: Phase 1B we have as  
2 this piece and this piece. And that we felt would  
3 be the end of the summer, possible. Based on our  
4 discussions, we came around to that.

5 MAN: Right.

6 ELLEN MIRAMONTES: And then Phase 2  
7 would be this extension here, following your work  
8 in this area. And a date had not been determined.  
9 And then, of course, 3: your future development  
10 sites. So, does this reflect [UNINTEL PHRASE]?

11 MARK SANDERS: Yeah, it's--and we used  
12 that at the time. But understand this drawing  
13 goes back to 2003. The 2006 amendment was this  
14 drawing, which is different. So, it's not--for  
15 what you're talking about, it's not of huge  
16 substance. But you can see the layout of the  
17 marina, the layout of the parking, and it's  
18 somewhat different. And so, Phase 1--this is  
19 actually Phase 2.

20 ERIK BUEHMANN: Do you want us to make a  
21 copy of that?

22 MARK SANDERS: You have one. This is  
23 your package. You have it. But you certainly can.  
24 Phase 1 was--and there's correspondence with the  
25 two of us--here to here, 3 docks Phase 1A. 1B was

1 finish the docks and continue around here, and  
2 meet the launch ramp portion. And it stops here.

3 And, because the storage lockers, which  
4 are back here, they need to be--you know, dry  
5 storage needs to be finished, because there are  
6 boats on trailers anyway. And so, the fence line  
7 would be here. And then next we do the boatyard,  
8 which is imminent, by the way. We push around  
9 here and start doing basically two large  
10 buildings, these ramps, finish the riprap, and  
11 these paths.

12 ELLEN MIRAMONTES: Okay. So, I  
13 understand that was changed a little bit, the  
14 footprint. But the basic layout really remains  
15 the same. And this is what is the exhibit in the  
16 permit now. So, it's okay that there's some  
17 variation there. But, Mark, is this--you still  
18 believe that these dates and such are possible,  
19 then? That 1A now, obviously; 1B, this was the--I  
20 believe the summer.

21 WOMAN 1: Do you believe 1B will be  
22 finished in four months?

23 MARK SANDERS: No, that's the [UNINTEL].

24 WOMAN 1: Oh, okay.

25 MARK SANDERS: The time--the sequencing

1 of it and the areas, that's all still the same.  
2 But we've basically--I mean, we've been at this  
3 for quite a while. We've lost whatever time  
4 [UNINTEL] we just shifted it out.

5 ELLEN MIRAMONTES: Some time prior to  
6 construction.

7 MARK SANDERS: Yeah.

8 ELLEN MIRAMONTES: Okay. But you believe  
9 that can be in a Phase 1B period, and you agree  
10 with this is 2 and this is 3?

11 MARK SANDERS: Yes.

12 ELLEN MIRAMONTES: Agree with the  
13 delineation of the [UNINTEL]?

14 MARK SANDERS: Of course, yeah. This--if  
15 I--let me make sure that I'm seeing what you're  
16 seeing. Now, so, we're talking about--I believe  
17 it's upside-down.

18 WOMAN: You can turn it.

19 MARK SANDERS: So, yeah, Phase 1A--let's  
20 call it--let's just say 1A, 1B, because we're--A  
21 is done and B is nearly in completion. So, it's  
22 the road and the path coming in here to the edge  
23 of the launch ramp, but inclusive of the launch  
24 ramp, stopping there. And the path going out to  
25 this point, but secluding the area out here.

1 ELLEN MIRAMONTES: Okay.

2 MARK SANDERS: So, that's Phase 1A/1B  
3 combined. Phase 2 is basically completion of  
4 everything out here. And Phase 3 is completion of  
5 everything over here. Now, there's no additional  
6 pathways, there's more parking, and there's more  
7 public access in the buildings. 10 percent of the  
8 building footprints will come.

9 And then we overlay--we take out the DG  
10 path and put the boardwalk along here. And the  
11 reason that's timed differently is we don't know  
12 where the boardwalk is going to go until we have  
13 all the buildings designed.

14 ELLEN MIRAMONTES: Okay. So, I think we  
15 agree on how--the timing of how areas will  
16 unfold. So, maybe we should come back to this  
17 comment and see how it relates to the [UNINTEL].

18 ADRIENNE KLEIN: Yeah. Yeah. So, we  
19 didn't draft the permit to reflect that, and that  
20 may be a result of me missing the last meeting  
21 and Erik being newer to this than me. So, is  
22 that--do you agree with that, Erik? [UNINTEL] the  
23 permit, the drafting of the permit doesn't  
24 reflect that there was [UNINTEL].

25 ERIK BUEHMANN: Yeah. I mean, I guess I

<p style="text-align: right;">Page 14</p> <p>1 just sort of misunderstood, because I</p> <p>2 misunderstood--no, I mean, it does. But in the</p> <p>3 sense of that overlook itself, that is something</p> <p>4 that I thought would be provided at a different</p> <p>5 time. But I--that's just a mistake that I--</p> <p>6 ADRIENNE KLEIN: But the current</p> <p>7 drafting would have what has now been moved from</p> <p>8 Phase 1B into Phase 2 due sooner. That's the</p> <p>9 current drafting. So, we have to basically--my--</p> <p>10 we have to shift a bunch of stuff on Page 9 over</p> <p>11 to Page 10, in my humble opinion.</p> <p>12 ELLEN MIRAMONTES: To Phase 2, Adrienne?</p> <p>13 ADRIENNE KLEIN: That's what I'm</p> <p>14 hearing.</p> <p>15 ELLEN MIRAMONTES: Yeah.</p> <p>16 ADRIENNE KLEIN: That you all agreed on.</p> <p>17 I mean, I knew that, but, you know.</p> <p>18 ERIK BUEHMANN: Which parts?</p> <p>19 ADRIENNE KLEIN: Which parts?</p> <p>20 ERIK BUEHMANN: Yeah. The boat launch,</p> <p>21 you mean?</p> <p>22 ADRIENNE KLEIN: Well, it's going to be</p> <p>23 fun for us to do that, Erik. So, [UNINTEL</p> <p>24 PHRASE]--</p> <p>25 MARK SANDERS: I think I have--I made</p>	<p style="text-align: right;">Page 15</p> <p>1 the--on my notes, I have the changes that would</p> <p>2 carry out exactly that. The public access in</p> <p>3 Phase 1 stops at the boat launch, at the--but</p> <p>4 includes it. And then Phase 2 continues it out.</p> <p>5 This sort of T-bone being out here is Phase 2.</p> <p>6 So, as we go through it, I--we can--I</p> <p>7 can point out exactly all the places we have to</p> <p>8 make that change. So, I only--it may be a little</p> <p>9 tedious, but it's straightforward.</p> <p>10 ERIK BUEHMANN: Yeah, we should</p> <p>11 [UNINTEL]. So, let's--before we get into that,</p> <p>12 let's just--I mean, our goal, Mark, is for the</p> <p>13 access at Phase 2 to be opened very quickly.</p> <p>14 ADRIENNE KLEIN: Phase--</p> <p>15 BRAD MCCREA: Two. Phase--that--</p> <p>16 ELLEN MIRAMONTES: No, Phase 1B. 1A and-</p> <p>17 -</p> <p>18 ERIK BUEHMANN: Well, yeah, that</p> <p>19 immediately. And Phase 2 quickly. Is Phase 2 tied</p> <p>20 to--did we tie Phase 2 to the boatyard?</p> <p>21 BRAD MCCREA: Phase 2 is the boatyard.</p> <p>22 Yeah.</p> <p>23 ERIK BUEHMANN: But the public access?</p> <p>24 ELLEN MIRAMONTES: This.</p> <p>25 ERIK BUEHMANN: Is the public access</p>
<p style="text-align: right;">Page 16</p> <p>1 along that stretch tied to the boatyard?</p> <p>2 BRAD MCCREA: Yeah, it should be.</p> <p>3 ERIK BUEHMANN: And it always was, and</p> <p>4 that's okay?</p> <p>5 BRAD MCCREA: Yeah.</p> <p>6 JOHN BOWERS: Well, it's the same</p> <p>7 standard we were talking about last night, which</p> <p>8 is, prior to the placement into use--</p> <p>9 ERIK BUEHMANN: Yeah.</p> <p>10 MARK SANDERS: Any structure--</p> <p>11 ERIK BUEHMANN: Right, right, so</p> <p>12 [UNINTEL] you can start building it. And it just</p> <p>13 has to be completed--you know, they can all be</p> <p>14 built at the same time.</p> <p>15 JOHN BOWERS: Right. Right.</p> <p>16 ERIK BUEHMANN: So, the public access--</p> <p>17 [UNINTEL] Phase 2 stuff is public observation</p> <p>18 areas and plazas, overlooking the launch ramp and</p> <p>19 boatyard.</p> <p>20 BRAD MCCREA: Right.</p> <p>21 ERIK BUEHMANN: There's [UNINTEL] there,</p> <p>22 too. [UNINTEL] sensor, too, [UNINTEL PHRASE].</p> <p>23 BRAD MCCREA: There's no gate [UNINTEL]-</p> <p>24 -</p> <p>25 ERIK BUEHMANN: [UNINTEL] which are down</p>	<p style="text-align: right;">Page 17</p> <p>1 here.</p> <p>2 MARK SANDERS: There's no what?</p> <p>3 BRAD MCCREA: Date for--</p> <p>4 ELLEN MIRAMONTES: Gate, gate.</p> <p>5 MARK SANDERS: No.</p> <p>6 ERIK BUEHMANN: Okay.</p> <p>7 BRAD MCCREA: No.</p> <p>8 ERIK BUEHMANN: So, then, Phase 1B, I</p> <p>9 mean, we--it's pretty simple we get that over</p> <p>10 [UNINTEL], right? Just got to go over the fence.</p> <p>11 MARK SANDERS: 1B?</p> <p>12 ERIK BUEHMANN: Yeah.</p> <p>13 MARK SANDERS: Over here.</p> <p>14 [UNINTEL - VOICES OVERLAPPING]</p> <p>15 ERIK BUEHMANN: [UNINTEL] back over</p> <p>16 there.</p> <p>17 MARK SANDERS: There's--yeah, there's</p> <p>18 two parts. Once we--the path is mostly there. We</p> <p>19 stopped here.</p> <p>20 ERIK BUEHMANN: Right.</p> <p>21 MARK SANDERS: And we got to continue it</p> <p>22 here. And then there--so, there's two pieces. One</p> <p>23 of them is I can complete the path on my side.</p> <p>24 ERIK BUEHMANN: Yeah.</p> <p>25 MARK SANDERS: And then I do not have</p>

1 permissions from these guys to make the  
2 connection, that's Pacific Shores' thing. And you  
3 guys--I guess you've been talking to them.  
4 [UNINTEL]

5 BRAD MCCREA: Well, let's just work on  
6 what you can control.

7 MARK SANDERS: So, I can control that.  
8 So, yeah, that's a matter of putting in the  
9 fencing. It's dry now, so we can do that. We were  
10 talking last night, in the middle of winter, it's  
11 too boggy.

12 BRAD MCCREA: Right. So, we can get it  
13 done before the fall, right?

14 MARK SANDERS: That's--yeah, no, I think  
15 that's still possible.

16 BRAD MCCREA: Right, right.

17 MARK SANDERS: Some of the things that  
18 we would like to do may not be. But that one  
19 certainly is still possible.

20 ELLEN MIRAMONTES: This?

21 BRAD MCCREA: Because what we don't want  
22 is to run into a situation where we have--you  
23 know, it's starting to rain. And if we got an  
24 early rain in October, early winter, then  
25 suddenly everything was shut down. So, we'd

1 prefer to get this thing all wrapped up by  
2 September.

3 MARK SANDERS: Yeah. Yeah. Yeah.

4 BRAD MCCREA: Now, I know you were  
5 talking about the other phase, this one down  
6 here, 2.

7 ADRIENNE KLEIN: Well, I think there's  
8 still two due dates in Phase 1B, aren't there?

9 ERIK BUEHMANN: Well, it depends on when  
10 everything can be--

11 MARK SANDERS: Well, it--

12 ERIK BUEHMANN: Can we slow down for a  
13 second, and can I talk about the things that are  
14 still in the email that I need to talk about, and  
15 then we can talk about the dates? Because I don't  
16 want to jump into that yet.

17 BRAD MCCREA: Sure.

18 ERIK BUEHMANN: Because--okay. So, we've  
19 talked about the overlook, and it looks like I  
20 just made an error. And then--

21 MARK SANDERS: And that was which--but  
22 that was where--you had it on Page 2 somewhere.  
23 Where was it?

24 ERIK BUEHMANN: Page 2, Item 15, Line 5.  
25 And, yeah, then it's similar in the condition,

1 too, so it needs to be fixed in the condition.

2 MARK SANDERS: Yeah. And I just changed  
3 it--if you take Line 5, and, after "overlooks,"  
4 you said, "at the west end of the harbor entrance  
5 to West Point slough," that fixes it.

6 ERIK BUEHMANN: Okay. West--

7 MARK SANDERS: We're just using east and  
8 west [UNINTEL]--

9 ERIK BUEHMANN: Oh, I see what you're  
10 saying here. Yeah, okay.

11 MARK SANDERS: Yeah. That fixes that  
12 one.

13 ADRIENNE KLEIN: And then we're going to  
14 add in--may I, Erik?

15 ERIK BUEHMANN: Yeah, sure.

16 ADRIENNE KLEIN: We're going to add in  
17 language somewhere else, Mark, that talks about  
18 the overlook at the other end [UNINTEL].

19 MARK SANDERS: As part of Phase 2, yeah.

20 ERIK BUEHMANN: Yeah, okay.

21 MARK SANDERS: When we get into Phase 2,  
22 that's all [UNINTEL].

23 ERIK BUEHMANN: Okay. Okay. And then the  
24 other thing I want to--I just wanted to make a  
25 point, and I know you already know this. But we--

1 I'm talking about stuff like on Page 4, Item 2.  
2 You propose putting in--Page 4. You propose  
3 putting, like, "may include," "facilities may  
4 include." I'm on Page 2, Item 2, yeah.

5 And I just want to reiterate that--and  
6 I know you already know this. But when we do an  
7 authorization at the beginning of the permit,  
8 that's just authorizing you to do--you don't have  
9 to build that. You know? You have to build--

10 MARK SANDERS: Yeah, I understand it,  
11 yes.

12 ERIK BUEHMANN: If you build a--you  
13 don't need to build the 500-square-foot fuel  
14 dock. But, if you do, then a condition applies to  
15 that, right?

16 MARK SANDERS: Right.

17 ERIK BUEHMANN: And so, I--we don't  
18 really want to deviate from a practice of adding  
19 language like--I know you--and maybe in--you  
20 know, like, "Permittee is authorized too," or,  
21 "Facilities may include," because that's sort of  
22 already assumed. Like, we assume that you may  
23 build these things. But, if you do, there are  
24 these conditions. And so, the condition is what's  
25 really the--

1 ELLEN MIRAMONTES: Thing to get right.  
 2 ERIK BUEHMANN: Yeah. And then, if you  
 3 don't build the fuel dock, you're not--we're not  
 4 going to go to you and say, "You didn't build a  
 5 fuel dock." You know?

6 MARK SANDERS: No, I totally understand.  
 7 So, the reason I--and we can take that out, and I  
 8 understand what you're saying. The reason I put  
 9 it in was not so much with the permits but  
 10 interpretation. This is the letter to Adrienne--  
 11 to Andrea Gaut that was asking for Amendment 3. F

12 And then it says--and this is why it's  
 13 important. It says--it has to do with spacing. It  
 14 says, "Page 6, Item 4 states that all Phase 1  
 15 improvements will be in place before the use of  
 16 any structure is permitted." In fact, the first  
 17 phase has to be broken down. And we had presented  
 18 pictures showing, you know, we have three more  
 19 years of excavating mud and spreading it and  
 20 drying it. We had to place the riprap. It's  
 21 physically impossible.

22 So, the purpose for Amendment 3 was so  
 23 we could stage it in a practical, reasoned way.  
 24 And then it says--I asked--I said, "Look, we  
 25 probably"--let me back up. Most marinas have

1 their gates, and then showers, restrooms, and  
 2 laundry are on the other side of the gates,  
 3 because they're for the boarders. And they don't  
 4 want to be doing their laundry or taking a shower  
 5 when a stranger walks in.

6 And so, I had asked Adrienne, I says,  
 7 "Let's put in three laundry"--

8 ELLEN MIRAMONTES: No, Andrea. Andrea.

9 MARK SANDERS: I'm sorry, Andrea.

10 ELLEN MIRAMONTES: [UNINTEL PHRASE]

11 MARK SANDERS: "Let's put in three. I  
 12 don't think I'm going to need them, but I might  
 13 want them. So, let's put them in just in case."

14 ERIK BUEHMANN: Yeah.

15 MARK SANDERS: And the language is  
 16 perfectly clear. But, somewhere along the line,  
 17 it was--you know, so, we ended up with one  
 18 laundry [CORE?].

19 ERIK BUEHMANN: Yeah.

20 MARK SANDERS: [UNINTEL] understanding  
 21 that--

22 ERIK BUEHMANN: I know what you're  
 23 talking about.

24 MARK SANDERS: On the retail side,  
 25 [UNINTEL] more restrooms out there. We're not

1 going to need laundry. We're not going to need  
 2 showers. But somehow it got to be, "Oh, no, no,  
 3 we're going to have three restrooms."

4 ERIK BUEHMANN: Right.

5 MARK SANDERS: Initially. That's a  
 6 complete change. And that's contra to the actual  
 7 correspondence at the time. So, that's why I  
 8 thought, "Wow, we could--are people  
 9 misinterpreting what's I'm able to do versus what  
 10 I'm required to do?"

11 ERIK BUEHMANN: Right. So, I understand.  
 12 And I also understand, like--and we're willing to  
 13 take changes to, like, you know, sort of like,  
 14 you know, you say there's really one building,  
 15 but it says three. You know, it makes it unclear  
 16 if there are three buildings or one building.

17 MARK SANDERS: Yeah. Three.

18 ERIK BUEHMANN: And that's okay. But I  
 19 just wanted to reiterate that, because it's  
 20 important, because I don't--you know, and it also  
 21 kind of goes into what you were saying, prior to  
 22 the use of any structure. You can build things  
 23 before providing public access. But, if you start  
 24 using the thing before providing the public  
 25 access, that's the sort of the trigger, right?

1 So, you can build things in any order you want,  
 2 as long as you don't use the structures.

3 MARK SANDERS: Well, so, if I want--if  
 4 I'm trying to build a fuel dock within the next  
 5 six months for the South Bay, but I can't get--I  
 6 can't do the boatyard construction, which means  
 7 [UNINTEL] utilities, and therefore put the paths  
 8 over the underground until those buildings are  
 9 done, it means don't do the--

10 ERIK BUEHMANN: Well, we would have to  
 11 amend the permit or something to--you know, like,  
 12 in that event, in that hypothetical situation,  
 13 where you decided, "Yes, I'm building a boat dock  
 14 in the next six months and I need to do that," we  
 15 would have to amend the permit to make that okay,  
 16 because then--because that's the--see, the hook  
 17 is--because, if we let you build public access  
 18 whenever it's convenient for you, no one would  
 19 ever provide public access, because they would  
 20 just say it's not convenient. Right?

21 Like, people would just be like, "Oh,  
 22 well, you know, oh, we'll do it later." You know?  
 23 And so, if you do it--if--we have to have some  
 24 kind of hook.

25 MAUREEN SANDERS: I rarely interject



1 comments at the meetings.  
 2 ERIK BUEHMANN: Right.  
 3 MAUREEN SANDERS: But I have to say,  
 4 Erik, that, when the original proposal was  
 5 brought before the Commission, years before the  
 6 permit was granted, Mark had massive amounts of  
 7 public access written into the design of this  
 8 marina.  
 9 MARK SANDERS: All the public access  
 10 came from us.  
 11 MAUREEN SANDERS: There [UNINTEL  
 12 PHRASE].  
 13 ERIK BUEHMANN: No, I understand that.  
 14 And I'm not saying that you don't want to provide  
 15 public access. Yeah, I'm just describing how the  
 16 permit works and why the permit works the way it  
 17 does. I'm not saying that you don't want to  
 18 provide public access or anything like that.  
 19 MAUREEN SANDERS: Yeah. Yeah, thank you.  
 20 Okay, good, because--  
 21 ERIK BUEHMANN: I would never get--yeah,  
 22 that's--  
 23 JOHN BOWERS: So, one of the things you  
 24 can do, Mark, is--and we're talking about the  
 25 fuel dock triggering the public access, right?

1 have utilities to run through there. Isn't that  
 2 right? So, why couldn't you just build the public  
 3 access in a way that provides some flexibility?  
 4 Don't build it too permanent in those areas where  
 5 the utilities are.  
 6 In other words, you know where your  
 7 utilities are going to be trenched across. And  
 8 maybe you have a 10 or 15-foot section of the  
 9 path that is built differently than the rest of  
 10 the path. You see what I'm going for?  
 11 MARK SANDERS: I see where you're going.  
 12 BRAD MCCREA: So you don't have to tear  
 13 it all up.  
 14 MARK SANDERS: Yeah. And, for the fuel  
 15 dock, where you're crossing the paths, that would  
 16 be easy. It's the underground utilities that  
 17 typically run under the roads or under the paths  
 18 longitudinally. So, the rowing center, which is  
 19 planned up here, those utilities go directly  
 20 under where the road and the path is. Probably  
 21 more--  
 22 BRAD MCCREA: You could put them in the  
 23 road, right?  
 24 MARK SANDERS: Huh?  
 25 BRAD MCCREA: You could put them in the

1 ERIK BUEHMANN: Yeah, for [UNINTEL].  
 2 MARK SANDERS: Well, just--as in, for  
 3 example--now, one of the problems I'm facing is--  
 4 BRAD MCCREA: [UNINTEL PHRASE] you  
 5 probably do want to build a fuel dock really  
 6 soon, right?  
 7 MARK SANDERS: Actually, financially, I  
 8 don't. But, you know, as a boater, yeah,  
 9 absolutely. I mean, people are saying, "Where do  
 10 I get fuel?"  
 11 BRAD MCCREA: Yeah.  
 12 MARK SANDERS: And why--you know, "I'm  
 13 going to say in the North Bay, because I can't  
 14 get fuel in the South Bay anymore." So, yes.  
 15 BRAD MCCREA: So, if you wanted to move  
 16 forward with the fuel dock, I guess we'll have to  
 17 decide: does the fuel dock trigger public access  
 18 for Phase 2?  
 19 ADRIENNE KLEIN: Yes.  
 20 BRAD MCCREA: And the answer is yes.  
 21 WOMAN: Yeah.  
 22 BRAD MCCREA: So, what you could do--  
 23 what--before I finish that thought, but then you  
 24 have a boathouse to build that the public access  
 25 is going to be sort of in the way, because you

1 road.  
 2 MARK SANDERS: You'd put--you would  
 3 constrain--the electrical and the sewer goes in  
 4 the road. The comm goes outside. No, the comm--  
 5 the electrical goes outside. The water and the  
 6 sewer goes under the road. There's requirements  
 7 on that.  
 8 Probably more to the point is the  
 9 riprap. You know, riprap is--you know, we're  
 10 using recycled concrete. And when construction  
 11 was moving in, there was plenty. We actually had  
 12 a crushing operation here for two years. And we  
 13 built almost enough. But we don't have enough.  
 14 So, we've actually rocked all the way up to about  
 15 here.  
 16 BRAD MCCREA: [UNINTEL PHRASE] under it.  
 17 MARK SANDERS: But, from here around to  
 18 here is the last part--now, it's not too  
 19 vulnerable to erosion, so it's okay. But I've got  
 20 to rock that before I do much on the shoreline.  
 21 And so, fuel docks, I've got to put in piles.  
 22 I've got to put in floats. I've got to have the  
 23 ramps. I've got to have the buttons at the top.  
 24 And the docks that I'm in is the guys  
 25 that are building it, they say, "Look, we want to

1 build the last two docks because we're not going  
2 to hold this contract together. And, all of a  
3 sudden, business is booming." So, I got to build  
4 these and this at the same time this year.

5 So, I'm having to guess where the piles  
6 will go for the boatyard that's not designed yet.  
7 And I've been meeting from San Diego to Seattle  
8 on boatyard people, and they have different  
9 ideas. But we haven't got anybody--

10 MAUREEN SANDERS: A designer?

11 MARK SANDERS: Somebody that says, "I'm  
12 going to design it and build it and run it." And  
13 so, I'm boxed in on the darn boatyard. But I do  
14 have somebody that's willing to build the  
15 buildings for the boatyard right now. And I have  
16 the incentive right now to do the fuel docks. But  
17 I don't want to put in anything very permanent  
18 while I'm doing all that construction, and least  
19 of all have public access going out through the  
20 construction.

21 ERIK BUEHMANN: Right.

22 MARK SANDERS: Which is going to be  
23 ongoing. So, there's a point in time--

24 ADRIENNE KLEIN: Even though that was  
25 the original plan.

1 When your project changes like that,  
2 when your project changes so that, like, your  
3 fuel dock has to come on, you know, before other  
4 things, and you're worried that you're not going  
5 to have public access ready, you should come in  
6 to us and get an amendment to the permit to make  
7 sure that you're not going to be out of  
8 compliance with your permit, right? And that is  
9 sort of kind of how I got--I guess we got here.

10 And so--I'm sorry. Go ahead.

11 ADRIENNE KLEIN: Obviously, well, the  
12 access is due. It's delayed. It's getting--we've  
13 agreed to a further delay. And I'm now about to  
14 prepare another one, which is in your benefit.  
15 Put the fuel dock in Phase 1B.

16 ERIK BUEHMANN: Yeah, so, that's what we  
17 would do. You know, but--that's what we would do.

18 ADRIENNE KLEIN: Trigger has already  
19 been achieved, which was occupancy of the boats.  
20 You want to build it. You don't want it to be the  
21 trigger of Phase 2. It concerns me, because Phase  
22 2 is, you know, being pushed farther away. Well,  
23 a lot of Phase 1 has got moved into Phase 2 last  
24 year, so. But that's a solution that should  
25 [UNINTEL PHRASE] quite well.

1 ERIK BUEHMANN: So, we understand that.

2 ADRIENNE KLEIN: Not the access all the  
3 way around.

4 ERIK BUEHMANN: We understand that,  
5 like, you know, especially, like, coming into  
6 this later, I understand that this is complicated  
7 and it changes a lot. And when it--and sometimes  
8 you need to build things before you thought you  
9 would be able to build them and things like that.

10 But, in most cases, that's why we have,  
11 like, plan review conditions, and that's why we  
12 have amendments to the permit, so that you can  
13 sort of--you know, if it ends up being that, "Oh,  
14 man, I could get--I could build"--so, go back to  
15 the fuel dock, you know, or, you know, I could--  
16 or, actually, let's do a real-world example, like  
17 boat storage, or something like--or, you know,  
18 out here.

19 "I can build that now and get it  
20 running now, and I want to use it now. But I need  
21 to have some flexibility about what kind of  
22 public access is out here for the moment." That's  
23 something that we can either do for [UNINTEL]--  
24 I'm not sure, you know, we're just talking in  
25 hypotheticals right now--or an amendment.

1 MARK SANDERS: What [UNINTEL PHRASE] got  
2 pushed into Phase 2?

3 ADRIENNE KLEIN: Well, I think--[UNINTEL  
4 PHRASE]--

5 ERIK BUEHMANN: No, what she's saying  
6 is--what she's saying, like, in the hypothetical  
7 where you have to build a fuel dock, and you are  
8 able to build a fuel dock, and you want to build  
9 it now--

10 BRAD MCCREA: Actually, she's not saying  
11 hypothetically.

12 ERIK BUEHMANN: She's saying do it now?

13 BRAD MCCREA: She's saying, if you want,  
14 what we're willing to do is, in this amendment,  
15 move the fuel dock into Phase 1B, the  
16 authorization into Phase 1B. Therefore, you won't  
17 have to build the trail--

18 ADRIENNE KLEIN: Build all of this.

19 ERIK BUEHMANN: Yeah.

20 BRAD MCCREA: Build all of that with  
21 just the fuel dock. You'll have to build all that  
22 when you build the buildings, but not the fuel  
23 dock. That would enable you to get the fuel dock  
24 going right away, and you could drive the piles,  
25 presumably, that you need to do. So, it's an

<p style="text-align: right;">Page 34</p> <p>1 offer.</p> <p>2 MARK SANDERS: No, I understand. And I</p> <p>3 appreciate that. Let me--if you go back to the</p> <p>4 presentation to the Commission and to the DRB,</p> <p>5 the intention was, in the language of the</p> <p>6 presentation, not the minutes that were</p> <p>7 [WRITTEN?] afterwards, says, "Public access to be</p> <p>8 developed in a practical sense and as part of the</p> <p>9 process."</p> <p>10 So, for example, until we know where</p> <p>11 the buildings are, we don't know where the patios</p> <p>12 are going to be that you sit to drink beer when</p> <p>13 you're having--and so, here's a practical,</p> <p>14 logical way to do the public access as it</p> <p>15 meanders around the buildings.</p> <p>16 Same thing as over here, you know,</p> <p>17 whether--the straddler, for example, it shouldn't</p> <p>18 be out here, it turns out. It's the last place</p> <p>19 you should put it. That's where the rower is</p> <p>20 going to be. The straddle lift should be over</p> <p>21 here.</p> <p>22 So, the public access should actually</p> <p>23 be built in coincidence with, in a logical way.</p> <p>24 And the idea that--so, it was never actually the</p> <p>25 intention to build the public access before the</p>	<p style="text-align: right;">Page 35</p> <p>1 first--you know, for example, the first [UNINTEL]</p> <p>2 could be made.</p> <p>3 ERIK BUEHMANN: You don't have to--you</p> <p>4 can build it in any order you like. You just</p> <p>5 can't use the [UNINTEL]--</p> <p>6 MARK SANDERS: Oh, yes, but--</p> <p>7 ERIK BUEHMANN: Right? Like--</p> <p>8 MARK SANDERS: But--let me give you an</p> <p>9 example. I brought some pictures. This--one</p> <p>10 picture will prove the whole point. This is--</p> <p>11 BRAD MCCREA: You know, I think we have--</p> <p>12 -Mark, we have a lot to talk about, and not a lot</p> <p>13 of time to do it in.</p> <p>14 MARK SANDERS: Yeah. And I have pictures</p> <p>15 like this.</p> <p>16 BRAD MCCREA: So, I [UNINTEL PHRASE] on,</p> <p>17 because Erik has a whole list of things</p> <p>18 [UNINTEL]--</p> <p>19 ERIK BUEHMANN: Right, I just have a</p> <p>20 couple more. Go ahead.</p> <p>21 MAUREEN SANDERS: I think maybe we</p> <p>22 should just conclude with Adrienne's proposal.</p> <p>23 MARK SANDERS: Yeah.</p> <p>24 WOMAN 1: And see if that makes sense.</p> <p>25 It sounded like it [UNINTEL] makes sense.</p>
<p style="text-align: right;">Page 36</p> <p>1 ERIK BUEHMANN: And we're going to go</p> <p>2 back to this conversation when we talk about</p> <p>3 dates and stuff anyway, so.</p> <p>4 WOMAN 1: The fuel dock would be located</p> <p>5 here; is that correct? That's my memory.</p> <p>6 ERIK BUEHMANN: I thought it was over</p> <p>7 here. Where's the fuel dock, Mark?</p> <p>8 WOMAN 1: I thought it was halfway</p> <p>9 [UNINTEL] this side, over by the ramp.</p> <p>10 MARK SANDERS: Oh, let me show you where</p> <p>11 [UNINTEL]. So, the problem is, when I was putting</p> <p>12 this all to--in 2003, I had no clue on fuel</p> <p>13 docks. And so, the latest drawings show--oh, I</p> <p>14 hope I brought it.</p> <p>15 BRAD MCCREA: You can just draw it. You</p> <p>16 can just [UNINTEL].</p> <p>17 MARK SANDERS: Yeah. Basically, the--it</p> <p>18 turns out you've got to--[UNINTEL PHRASE] so,</p> <p>19 let's--if this is the apron where the forklift</p> <p>20 that would come out and lift up boats--</p> <p>21 ERIK BUEHMANN: Right, the travel lift,</p> <p>22 yeah.</p> <p>23 MARK SANDERS: No, the travel lift is</p> <p>24 two rails like this. And that's a straddle</p> <p>25 machine that goes out and it plucks boats out.</p>	<p style="text-align: right;">Page 37</p> <p>1 ERIK BUEHMANN: Right.</p> <p>2 MARK SANDERS: This one is a forklift</p> <p>3 that goes out and lifts the boats up so it looks</p> <p>4 like--</p> <p>5 ERIK BUEHMANN: [UNINTEL PHRASE]</p> <p>6 MARK SANDERS: Exactly. So, those two</p> <p>7 things go here. And so, where the straddle lift</p> <p>8 is, you've got to split the dock. So, this dock</p> <p>9 actually goes like this. And there's a second</p> <p>10 dock that goes like this.</p> <p>11 ERIK BUEHMANN: Okay.</p> <p>12 MARK SANDERS: This one has to have an</p> <p>13 80 ADA ramp.</p> <p>14 ERIK BUEHMANN: Okay.</p> <p>15 MARK SANDERS: 80 feet long. So, that</p> <p>16 means that's for--because people need to launch</p> <p>17 their boat and come around here. This may be a</p> <p>18 regular one. But this is where the fuel dock and</p> <p>19 the pump-out would be.</p> <p>20 ERIK BUEHMANN: Okay. Great.</p> <p>21 MARK SANDERS: There's a whole bunch of</p> <p>22 reasons for it. One, you don't have people coming</p> <p>23 this far down, because they're--</p> <p>24 ERIK BUEHMANN: Yeah.</p> <p>25 MARK SANDERS: They're strangers; they</p>

1 don't know the way. Two, the wind blows this way;  
2 you want to be able to trap any spills. So, the  
3 further down this way, the better. So, the fuel  
4 dock and the pump-out station will probably be  
5 here. And this one will probably be associated  
6 with the boat ramp.

7 ERIK BUEHMANN: What do you think about  
8 this idea of moving the fuel dock into Phase 1B  
9 so that you don't have to build the public assets  
10 along that shoreline when you build the fuel  
11 dock?

12 ELLEN MIRAMONTES: That [UNINTEL PHRASE]  
13 Adrienne that the public access come to that  
14 point--

15 MARK SANDERS: You would have to. You  
16 would have to have the public access. You'd have  
17 to have some parking. You'd have to have some  
18 development along this far. And, you know,  
19 actually, going out here is not a problem.  
20 There's--you know, that's--there's nothing going  
21 to ever be there. It's, if I had the fuel dock,  
22 I'm going to have to really constrain this whole  
23 area, because I got all this to build yet.

24 ERIK BUEHMANN: You understand that when  
25 we say, like, you know, putting it in Phase 1B

1 doesn't mean you'd have to build it in--you know,  
2 you can build it later. You can build it whenever  
3 it's feasible for you.

4 BRAD MCCREA: [UNINTEL] what we're  
5 saying is that it actually makes sense to build  
6 the walkway, the public path, out to the fuel  
7 dock, so people could actually walk out to the  
8 public fuel dock.

9 MARK SANDERS: Yeah. And, see, this area  
10 out here is still just raw mud piles. It's not  
11 even finish graded. So, I've got to grade it and  
12 compact it.

13 BRAD MCCREA: Yeah.

14 MARK SANDERS: So, there's a lot of  
15 construction that's going to go on out here for  
16 the next couple of years.

17 BRAD MCCREA: Maybe we leave it in Phase  
18 2, for right now.

19 MARK SANDERS: Can we do this,  
20 [UNINTEL]? Can I come back? I've got to come back  
21 with a--when I have Phase 2 fully designed out,  
22 and we're in the throes of it now. Come back and  
23 say, "Look, here's Phase 2. Here's where this is  
24 going to be; this is going to be; this is going  
25 to be; this is going to be. It's an emergency for

1 me to get it done. And, by the way, here's a  
2 practical way to address the public access at the  
3 same time."

4 BRAD MCCREA: Yeah.

5 MARK SANDERS: There's a [UNINTEL] way  
6 to do it that makes sense. And we're trying to  
7 anticipate how you sequence things for the event  
8 that we don't understand--

9 BRAD MCCREA: Right, so we'll leave it  
10 as it's written.

11 ERIK BUEHMANN: Yeah, I think that  
12 sounds--

13 BRAD MCCREA: [UNINTEL] Phase 2, and  
14 then, when--because you have to come in with your  
15 plans and all of that for all of this work.

16 ERIK BUEHMANN: Exactly.

17 BRAD MCCREA: And then it may address  
18 whether or not--we'll assume that you're going to  
19 build the public access when you build the fuel  
20 dock along that shore line. [UNINTEL PHRASE]

21 MARK SANDERS: I'm going to present to  
22 you a logical, integrated way where that happens  
23 at a logical point.

24 ERIK BUEHMANN: Right.

25 BRAD MCCREA: And hopefully, it won't

1 require a permanent amendment. But, if it does,  
2 we'll--

3 ADRIENNE KLEIN: And that's why [UNINTEL  
4 PHRASE] be clear. I would like to settle the  
5 phasing now and not have that conversation again.  
6 I think we know enough. I think you know enough  
7 to be able to settle it in this amendment.

8 MARK SANDERS: Okay.

9 ADRIENNE KLEIN: It sounds like we're--I  
10 mean, what I'm hearing you say is that we're  
11 actually delaying making a decision. And I don't  
12 think that's our goal.

13 [UNINTEL - VOICES OVERLAPPING]

14 ADRIENNE KLEIN: Maybe I don't  
15 understand--

16 MARK SANDERS: I do not have a boatyard  
17 design yet. I've been talking to people for  
18 almost a year. Boatyards are--

19 ADRIENNE KLEIN: But you have a  
20 conceptual--sorry to interrupt--you have a  
21 conceptual design that you've had for a long  
22 time, and the way that this was set up was based  
23 on your longstanding conceptual design that was  
24 reviewed by us. So, I guess what I'm not--we're  
25 linking now--we've moved some access further into

the future, into Phase 2. And I don't understand why that doesn't work.

MAUREEN SANDERS: And I need a clarification--

ADRIENNE KLEIN: Why we need to revisit it again.

MAUREEN SANDERS: As well--

ADRIENNE KLEIN: Beyond in plan review and approval, which of course will happen.

MAUREEN SANDERS: Is it possible to build a fuel dock as an independent event, separate from the development of the boatyard as a whole? Is it possible to get a fuel dock in place right here where you anticipate it's going to be, either prior to the design of this or, if it's designed, prior to the construction of it? Can that piece be broken off and done in either 1 or 2?

ERIK BUEHMANN: That's a good question. Yeah, what's the answer?

MARK SANDERS: So, the fuel dock itself could. But the tanks, the containment areas, the road for the tankers to come in--

BRAD MCCREA: Yeah.

MARK SANDERS: That's all designed. So,

if you look at this design, this was--

MAUREEN SANDERS: Okay.

MARK SANDERS: Conception, 15 years ago. It shows the shops out on the edges like this. They don't build boatyards like that. The boatyard shops are in the center, and the boats are around it like an airline terminal.

MAUREEN SANDERS: Okay.

MARK SANDERS: So, my concept on a boatyard was completely in the 1940s-1950s.

ERIK BUEHMANN: [UNINTEL]

MARK SANDERS: So, if the right way to do it, you guys, is to come back and say, "Look, before I do anything out there, I got to come back and give you a plan; here's where the buildings are going to be; here's what it's going to look like. Here's the access.

ERIK BUEHMANN: Here's where the fuel tank is going to be.

MARK SANDERS: Exactly. And then--so, I've got to do that. And when I say--and, by the way, I realize that, as soon as practical, as part of that construction, you guys want pathways.

ERIK BUEHMANN: All right. So, I think

we should leave it in Phase 2.

BRAD MCCREA: Yeah.

ERIK BUEHMANN: Because it sounds like, once you understand what the true layout is going to be, then--

MARK SANDERS: Then it falls out.

ERIK BUEHMANN: Then you can go ahead and move--build the fuel dock. And, when you build the fuel dock, there's no reason why you couldn't build--riprap off the shoreline and build the trail, and have it open before you start using this. So, you build it all at the same time. It's all closed until you're ready to use this. And then, when you start using the fuel dock, the public is able to walk out along the shoreline. That would work, right?

MARK SANDERS: You know, talking to you now, it would seem like it would.

ERIK BUEHMANN: Yeah.

MARK SANDERS: But I'm just saying it's--you know, reality sometimes steps in. I don't know. Now, I'm going to do the work that's part of Phase 1, actually 1A. And so, as I get rock, I can do it.

ERIK BUEHMANN: Well, the walk is not

going to trigger the public access.

MARK SANDERS: No.

ERIK BUEHMANN: But the fuel dock will. So, we're going to move it in 2.

ADRIENNE KLEIN: But you need plan approval to place the riprap.

ERIK BUEHMANN: Okay, let's stay on the point here.

BRAD MCCREA: We have it; stay on point.

WOMAN 1: Okay, good.

ERIK BUEHMANN: But you're going to build--we're going to leave the fuel dock in Phase 2.

BRAD MCCREA: Yeah.

MARK SANDERS: We already have it.

ERIK BUEHMANN: Prior to building it, he's going to work with his consultants to actually design it. Then he's going to come in and work--show us the conceptual design, make sure it works for us. And then you're going to do the final construction drawings for it, submit them to Ellen. Ellen will approve those construction drawings or comment on them.

And then, once they're approved, then construction may begin. You can build it in any

<p style="text-align: right;">Page 46</p> <p>1 order you want. You can build the fuel dock  2 first, then the public access. You can build the  3 trail first, then the fuel dock. But you can't  4 use the fuel dock until the public access is  5 built.</p> <p>6 Once the fuel dock is under operation,  7 then the public access has to be built. And,  8 presumably, everybody will be--it will be a great  9 marina edge, where the public is coming in,  10 they're fueling up, and, while they're fueling  11 up, you know, the other guests on the boat are  12 walking out to the point and stretching their  13 legs, and everybody is happy.</p> <p>14 ELLEN MIRAMONTES: I think we're--  15 ERIK BUEHMANN: Right?  16 ELLEN MIRAMONTES: Right.  17 ERIK BUEHMANN: How's that for a story?  18 ELLEN MIRAMONTES: Yeah. And what's  19 really important now is that the authorization  20 remains what you believe you want to build. So,  21 that's--so, I'm just looking at, on Page 4, the  22 Phase 2, Item 1: construct, use, maintain  23 boatyard facilities that include two haul-out  24 areas, a large boat straddle lift, all this. So,  25 you should make sure that is still what you want</p>	<p style="text-align: right;">Page 47</p> <p>1 to do, because we--if it's not, then we should  2 correct it now.</p> <p>3 ERIK BUEHMANN: What page? Let's just  4 look at it right now. What page?  5 BRAD MCCREA: Page 4.  6 ADRIENNE KLEIN: Page 4.  7 MARK SANDERS: [UNINTEL], can I ask both  8 of you a question?  9 ADRIENNE KLEIN: You said Item 1;  10 there's no Item 1.  11 WOMAN 1: I'm sorry?  12 ERIK BUEHMANN: Page 4, Phase 2, Item 1.  13 WOMAN 1: Page 4, Phase 2, Item 1.  14 ERIK BUEHMANN: Page 4.  15 WOMAN 1: Because it sounds like you had  16 a design vision originally, you were shuffling  17 things around. They may be the same pieces and  18 elements. But we should be sure, because I don't  19 want to then later get the plans and say that's  20 not--  21 ERIK BUEHMANN: Yeah. Hey, Mark, can we  22 look at Page 4?  23 MARK SANDERS: Okay.  24 WOMAN 1: Like, you said [UNINTEL  25 PHRASE]. Yeah.</p>
<p style="text-align: right;">Page 48</p> <p>1 ERIK BUEHMANN: [UNINTEL PHRASE] let's  2 go down, and let's just quickly just read through  3 that.</p> <p>4 WOMAN 1: Right?  5 ERIK BUEHMANN: That's why we're here.  6 Page 4, Phase 2, Item 1. Construct and use and  7 maintain boatyard facilities that include: two  8 haul-out areas. Are you going to have two haul-  9 out areas, or just one?  10 MARK SANDERS: Well, it'll be two.  11 ERIK BUEHMANN: Okay, yeah.  12 MARK SANDERS: One's a straddle lift,  13 and an apron, yes, okay.  14 ERIK BUEHMANN: A large boat straddle  15 lift bay, and a small boat forklift pier.  16 MARK SANDERS: That's the description of  17 the two haul-out areas, yes.  18 ERIK BUEHMANN: Okay. Do we want to--you  19 guys, do we want to just get rid of the two haul-  20 out areas and just call it a straddle lift and a  21 forklift pier? I mean, because it sounds like  22 those are independent [UNINTEL].  23 BRAD MCCREA: I feel like I want to make  24 clear that we can over-authorize and then not  25 have him build that stuff.</p>	<p style="text-align: right;">Page 49</p> <p>1 ADRIENNE KLEIN: Right.  2 BRAD MCCREA: And so, I just want to  3 make sure that things aren't left out.  4 MARK SANDERS: Yeah, don't lose sight of  5 the fact, you guys, it was--I went to Redwood  6 City [UNINTEL] agency. They said, "Look, think of  7 everything you might want."  8 BRAD MCCREA: Good, yeah.  9 ERIK BUEHMANN: So, let's leave the  10 [UNINTEL] boathouse in, shall we?  11 BRAD MCCREA: [UNINTEL]  12 MARK SANDERS: That's only about 50/50  13 now.  14 ERIK BUEHMANN: Okay.  15 BRAD MCCREA: Can I ask a question  16 [UNINTEL]?  17 ERIK BUEHMANN: Well, no, let me just  18 finish these sentences. Boatyard shops, we want  19 to leave that in, right?  20 MARK SANDERS: Mm hmm.  21 ERIK BUEHMANN: Dry stack boat storage.  22 We want to leave that in.  23 ELLEN MIRAMONTES: We want to make sure  24 there's nothing missing that you think you might  25 [UNINTEL] do here.</p>

<p style="text-align: right;">Page 50</p> <p>1 MARK SANDERS: Yes, yes.</p> <p>2 ERIK BUEHMANN: Anything else in the</p> <p>3 boatyard that we can think of that we haven't</p> <p>4 talked about?</p> <p>5 ADRIENNE KLEIN: And those aren't all</p> <p>6 obligated. They're just permitted.</p> <p>7 ERIK BUEHMANN: No, that's right.</p> <p>8 ADRIENNE KLEIN: Okay.</p> <p>9 MARK SANDERS: You know, I don't know.</p> <p>10 ERIK BUEHMANN: [UNINTEL PHRASE] Redwood</p> <p>11 City was right, [UNINTEL PHRASE], you know,</p> <p>12 kitchen sink, [UNINTEL].</p> <p>13 MARK SANDERS: [UNINTEL PHRASE] kitchen</p> <p>14 sink, yeah.</p> <p>15 ERIK BUEHMANN: Because, you know--</p> <p>16 MARK SANDERS: So, [UNINTEL] I was going</p> <p>17 to ass guess for that is, even if this--because</p> <p>18 this was my wild ask 15 years ago. This is going</p> <p>19 to be wrong. It'll--there's going to be something</p> <p>20 different. So, I will always have to come back to</p> <p>21 you. It's logical; I would presume I come back</p> <p>22 and say, "By the way, as you can see, because</p> <p>23 we're doing this, the sequence of this public</p> <p>24 access over here shouldn't happen until this."</p> <p>25 ERIK BUEHMANN: Yeah.</p>	<p style="text-align: right;">Page 51</p> <p>1 MARK SANDERS: And you can always--you</p> <p>2 guys can do that. So, we can use common sense on-</p> <p>3 -</p> <p>4 ERIK BUEHMANN: Yeah. That was sort of</p> <p>5 my point, was that I want you to come back to us</p> <p>6 if things change--</p> <p>7 MARK SANDERS: Of course,</p> <p>8 ERIK BUEHMANN: And that ends up that</p> <p>9 you can't--you know, I want you to come to us and</p> <p>10 not just do it and then, you know, like--then</p> <p>11 come back later or something like that. You know?</p> <p>12 That's [UNINTEL].</p> <p>13 MARK SANDERS: Absolutely.</p> <p>14 BRAD MCCREA: [UNINTEL PHRASE] just that</p> <p>15 we just issued, this--in the last--within the</p> <p>16 last 12 months has already been amended a couple</p> <p>17 of times.</p> <p>18 MARK SANDERS: I know. I heard about it.</p> <p>19 BRAD MCCREA: And so, this is how we</p> <p>20 operate, is that we authorize something, and then</p> <p>21 just that's how things happen. Things change.</p> <p>22 MARK SANDERS: Right.</p> <p>23 BRAD MCCREA: Pier 39 permit has been</p> <p>24 amended 47 times.</p> <p>25 ERIK BUEHMANN: Yeah.</p>
<p style="text-align: right;">Page 52</p> <p>1 BRAD MCCREA: It's--so, you should get</p> <p>2 very comfortable with the amendment process,</p> <p>3 because it's how we keep this document alive.</p> <p>4 MARK SANDERS: I'm okay with that. And,</p> <p>5 by the way, we [UNINTEL] some rapid-fire</p> <p>6 amendments in the early days. And it was</p> <p>7 typically a letter. And it was--</p> <p>8 BRAD MCCREA: Yeah.</p> <p>9 MARK SANDERS: It went very smoothly.</p> <p>10 So, for example--I don't want to--you know. We're</p> <p>11 always going to have to have restrooms out there</p> <p>12 for the fuel dock and for the launch ramp and</p> <p>13 stuff like that. It's not in the permit. Please</p> <p>14 don't put it in. But obviously I'm going to have</p> <p>15 to have that.</p> <p>16 And so, I'm okay with this. There is a</p> <p>17 few other--the numbers you were asking for, I've</p> <p>18 got those numbers for you if you want.</p> <p>19 ERIK BUEHMANN: Yeah. Yeah, I saw that.</p> <p>20 I actually have a--my next thing, I only have,</p> <p>21 like, a few more things on my list. But the next</p> <p>22 thing is actually about [UNINTEL PHRASE] I see</p> <p>23 you have, like, Page 4, Item 2, under Phase 3.</p> <p>24 So, we're on Page 4, Item--Phase 3, Item 2. And</p> <p>25 you write here--it should be, "and remainder of</p>	<p style="text-align: right;">Page 53</p> <p>1 the 313 spaces."</p> <p>2 MARK SANDERS: Mm hmm.</p> <p>3 ERIK BUEHMANN: And it just didn't</p> <p>4 really make sense with the--you know, how we</p> <p>5 have, like, on the bottom here, like, "construct,</p> <p>6 use, and maintain 197 parking spaces." So--</p> <p>7 MARK SANDERS: So, here, Phase 1A was</p> <p>8 179.</p> <p>9 ERIK BUEHMANN: Uh huh.</p> <p>10 MARK SANDERS: Phase 1B is 112. So, the</p> <p>11 marina basically along here, that's a total of</p> <p>12 291. Phase 2, which is over here in the boatyard,</p> <p>13 couldn't [UNINTEL] define. But the total number</p> <p>14 of spaces is 116. And the Phase 3 retail area is</p> <p>15 a total of 197.</p> <p>16 Now, these drawings aren't very useful</p> <p>17 for that. But, if you look at the detailed</p> <p>18 drawings, they're showing all--there's eight</p> <p>19 actual parking lots, and which one are</p> <p>20 handicapped, and which ones are public access</p> <p>21 signed.</p> <p>22 ERIK BUEHMANN: So, my question really</p> <p>23 was, like, I understand that, and I understood</p> <p>24 the numbers, but why would you want to add in the</p> <p>25 remainder of the 313 spaces? Why don't we just</p>

<p style="text-align: right;">Page 54</p> <p>1 leave it like it is, like, here at Number 4?</p> <p>2 BRAD MCCREA: Which is what?</p> <p>3 ERIK BUEHMANN: Which is construct, use,</p> <p>4 and maintain 197 parking spaces of up to 605 paid</p> <p>5 space--you know, parking spaces. Why the 315?</p> <p>6 MARK SANDERS: Could you say that again?</p> <p>7 I'm sorry.</p> <p>8 ERIK BUEHMANN: Here--</p> <p>9 WOMAN: Page 4.</p> <p>10 ERIK BUEHMANN: Written right at the</p> <p>11 top, right here.</p> <p>12 MARK SANDERS: Page 4.</p> <p>13 ERIK BUEHMANN: This is your email.</p> <p>14 MARK SANDERS: Item 4, under--yes.</p> <p>15 ELLEN MIRAMONTES: No, it's in Phase 3,</p> <p>16 though.</p> <p>17 ERIK BUEHMANN: Phase 3.</p> <p>18 ELLEN MIRAMONTES: Mid-way down.</p> <p>19 ERIK BUEHMANN: Item 2, under Phase 3.</p> <p>20 MARK SANDERS: Oh, the remainder of the</p> <p>21 230--</p> <p>22 BRAD MCCREA: Item 4 under Phase 3.</p> <p>23 ERIK BUEHMANN: Oh, oh, because the</p> <p>24 number is wrong, yeah. Okay.</p> <p>25 MARK SANDERS: Yeah. It's 283 [UNINTEL]</p>	<p style="text-align: right;">Page 55</p> <p>1 PHRASE].</p> <p>2 BRAD MCCREA: [UNINTEL]</p> <p>3 ERIK BUEHMANN: So, should we just</p> <p>4 maybe--</p> <p>5 WOMAN 1: And Erik was saying just omit</p> <p>6 that. It's not necessary for the [UNINTEL].</p> <p>7 ERIK BUEHMANN: Yeah, maybe we just want</p> <p>8 to--</p> <p>9 MARK SANDERS: The remainder of the</p> <p>10 [UNINTEL]--yeah, don't list them. You may delete</p> <p>11 the number totally.</p> <p>12 ERIK BUEHMANN: Right, yeah, [UNINTEL</p> <p>13 PHRASE] Number 4?</p> <p>14 MARK SANDERS: Yeah. That works.</p> <p>15 WOMAN: [UNINTEL] this, right?</p> <p>16 ERIK BUEHMANN: Instead of, like, having</p> <p>17 this, we would, like, just use that.</p> <p>18 MARK SANDERS: The main thing I was</p> <p>19 correcting here, it was--</p> <p>20 ERIK BUEHMANN: Yeah, that makes sense.</p> <p>21 Okay. I was just confused.</p> <p>22 MARK SANDERS: Through it, it talks as</p> <p>23 if there's a single 604-parking-spot parking</p> <p>24 garage--parking space. There's actually eight</p> <p>25 small, not one large.</p>
<p style="text-align: right;">Page 56</p> <p>1 ERIK BUEHMANN: Okay.</p> <p>2 MARK SANDERS: And so, that's just--I</p> <p>3 was just correcting the language to manage the</p> <p>4 reality of it.</p> <p>5 ERIK BUEHMANN: Okay, good. And I think</p> <p>6 that is--other than the stuff we're going to</p> <p>7 negotiate--</p> <p>8 MARK SANDERS: Item 4 is one--the number</p> <p>9 you wanted is 197?</p> <p>10 ERIK BUEHMANN: Yeah. Yeah, and I'm</p> <p>11 going to input all that. And...</p> <p>12 BRAD MCCREA: Erik's keeping his head</p> <p>13 from exploding.</p> <p>14 ERIK BUEHMANN: Yeah, that's right.</p> <p>15 MARK SANDERS: Yeah. There's another one</p> <p>16 I had missed before.</p> <p>17 ELLEN MIRAMONTES: Erik's done a really</p> <p>18 professional job, I have to say, of reflecting</p> <p>19 conversations that we had in November/December.</p> <p>20 MARK SANDERS: Yeah, thank you, by the</p> <p>21 way. On Page 5, Erik, it says--it talks about</p> <p>22 [UNINTEL] open space, which is impacted by</p> <p>23 [UNINTEL] and fill.</p> <p>24 ERIK BUEHMANN: Right. Yeah.</p> <p>25 MARK SANDERS: But then it talks about</p>	<p style="text-align: right;">Page 57</p> <p>1 the surface.</p> <p>2 ERIK BUEHMANN: We saw that.</p> <p>3 MARK SANDERS: It was--it's actually 21-</p> <p>4 -26 acres of that [UNINTEL]--</p> <p>5 ERIK BUEHMANN: I think we're just going</p> <p>6 to change it to 26.6 acres.</p> <p>7 MARK SANDERS: Yeah, that's fine.</p> <p>8 ERIK BUEHMANN: So that it's clear--</p> <p>9 ELLEN MIRAMONTES: [UNINTEL] reference.</p> <p>10 ERIK BUEHMANN: Yeah. Yeah.</p> <p>11 MARK SANDERS: Yeah, yeah. I agree.</p> <p>12 ELLEN MIRAMONTES: It was--it didn't</p> <p>13 make sense.</p> <p>14 ERIK BUEHMANN: And then I think the</p> <p>15 only other one is--let me double-check it.</p> <p>16 ELLEN MIRAMONTES: Which is this?</p> <p>17 ERIK BUEHMANN: This one right here.</p> <p>18 ELLEN MIRAMONTES: Okay, Page 10, Item</p> <p>19 B, under Phase 3.</p> <p>20 ERIK BUEHMANN: Yeah.</p> <p>21 ELLEN MIRAMONTES: Adding two more</p> <p>22 restrooms. This is a new [UNINTEL].</p> <p>23 ERIK BUEHMANN: [UNINTEL] Phase 3?</p> <p>24 BRAD MCCREA: Item B.</p> <p>25 ERIK BUEHMANN: Two public restrooms in</p>



1 the marina basin area, in addition to the  
 2 restroom in the harbormaster building.  
 3 ELLEN MIRAMONTES: Okay. I don't think  
 4 it's new, because you were having the one in the  
 5 harbormaster and two in the Phase 3, right? That  
 6 was--  
 7 MARK SANDERS: No. It was always--the--  
 8 I'd have to look at the drawing [UNINTEL]. At the  
 9 top of every gangway was a square, and it housed  
 10 restroom, laundry, and shower for each of the  
 11 three sets of docks.  
 12 ERIK BUEHMANN: Oh.  
 13 MARK SANDERS: And I came back to Andrea  
 14 and said that's--we actually have no need for it  
 15 whatsoever. With only 31--well, at the time,  
 16 [UNINTEL PHRASE]. And so, we reduced it to one,  
 17 because there was never a [UNINTEL]--  
 18 [UNINTEL - VOICES OVERLAPPING]  
 19 ERIK BUEHMANN: It was two in the area.  
 20 So, it was always part of the shebang.  
 21 MARK SANDERS: No. No, it was not. It  
 22 was always part of the marina itself. But it--  
 23 when we talked about it, we had 10 percent of the  
 24 building set aside for public access. And it was  
 25 always presumed that would be restrooms, drinking

1 request. And then, when we were sure we wouldn't  
 2 need them, we deleted them.  
 3 ELLEN MIRAMONTES: Okay.  
 4 MARK SANDERS: And I have the letters  
 5 from Andrea on that.  
 6 ELLEN MIRAMONTES: But let's see.  
 7 ERIK BUEHMANN: Because I think what we  
 8 thought was--like, is this what we thought, that,  
 9 for like--because we're talking about Phase 3  
 10 here, that it would be out here that there would  
 11 be restrooms, and not down here, not here?  
 12 ELLEN MIRAMONTES: One of them is there  
 13 now.  
 14 ERIK BUEHMANN: Yeah.  
 15 ELLEN MIRAMONTES: [UNINTEL] sooner or  
 16 later.  
 17 MARK SANDERS: The restrooms that were  
 18 specified in 2003 were here, here, and here.  
 19 ERIK BUEHMANN: Right. I understand.  
 20 [UNINTEL - VOICES OVERLAPPING]  
 21 ELLEN MIRAMONTES: [UNINTEL] the docks.  
 22 ERIK BUEHMANN: Yeah, that makes sense.  
 23 ELLEN MIRAMONTES: Okay.  
 24 ERIK BUEHMANN: But then I think we  
 25 changed it and we moved it to Phase 3, because I

1 fountains, with all kinds of stuff like that.  
 2 So, of course we're having restrooms  
 3 out here. Of course we'll have restrooms out  
 4 here. But the restrooms--the three restrooms for  
 5 the docks were brought down to one. And the  
 6 language in the--the language of the documents  
 7 which led up to the permit said, "Let's put two  
 8 more in just in case, but we don't think we'll  
 9 need them." Again, they were for the boaters, the  
 10 boaters themselves, shower/laundry/restrooms.  
 11 BRAD MCCREA: Yeah.  
 12 ERIK BUEHMANN: Yeah.  
 13 BRAD MCCREA: So, okay, that's--that's--  
 14 ERIK BUEHMANN: We took it out of 1B.  
 15 And I thought that what we were doing was--so, we  
 16 took it out of 1B here.  
 17 ELLEN MIRAMONTES: Because there's only  
 18 the one [UNINTEL], yes.  
 19 [UNINTEL - VOICES OVERLAPPING]  
 20 MARK SANDERS: [UNINTEL PHRASE] we  
 21 deleted those two. [UNINTEL PHRASE] we deleted;  
 22 we just put them someplace else. That wasn't  
 23 true. They were simply deleted.  
 24 ERIK BUEHMANN: Okay.  
 25 MARK SANDERS: They were put in at my

1 thought it was proposed to put--and I don't think  
 2 I did this one; it was original to the--it was,  
 3 you know, [UNINTEL PHRASE]. But then it would  
 4 come up here when we build this, and it would be  
 5 here [UNINTEL].  
 6 MARK SANDERS: No, that was not in any  
 7 of the permit or any of the discussions. But, I  
 8 mean, after the fact, Erik, it still makes sense.  
 9 I'm always thinking we'd have restrooms out here.  
 10 ERIK BUEHMANN: Yeah.  
 11 MARK SANDERS: But, no, that was not  
 12 what happened. We delete--we had three, because I  
 13 was [UNINTEL].  
 14 ERIK BUEHMANN: So that's where it comes  
 15 from?  
 16 MARK SANDERS: That's right. Right.  
 17 ELLEN MIRAMONTES: It would make sense  
 18 to have just one in this area. You don't need  
 19 three certainly. But perhaps it seems like we  
 20 would want to note that there would be one in  
 21 this area available to the public, and [UNINTEL]  
 22 move down here.  
 23 MARK SANDERS: Yeah, the way I looked at  
 24 it is you guys have--  
 25 ELLEN MIRAMONTES: Right?

1 MARK SANDERS: Many more swings at the  
2 ball when I have to come back to Phase 2 and  
3 Phase 3. You're obviously going to say, "We need  
4 to have plenty of restrooms." I understand that.

5 ELLEN MIRAMONTES: Well, but I think, at  
6 some point in that, we just kind of get it  
7 straightened out. So, I'm going back--I'm  
8 looking--just to get myself back into [UNINTEL],  
9 I'm looking back at the Amendment 3 that you were  
10 referring to in 2003. And it says, in the Phase  
11 1B, that there would be one public restroom in  
12 the harbor master and two in the marina basin,  
13 just as you described.

14 It doesn't make sense to have three in  
15 1B. But how about we put one associated with  
16 Phase 2, one additional, and one additional  
17 associated with Phase 3? That seems appropriate.

18 ERIK BUEHMANN: Well, then he's got to  
19 build the--he's got to--he's--he would have to  
20 build the restroom in Phase 2 before building the  
21 other stuff.

22 MARK SANDERS: So, the restroom is going  
23 to be part of--

24 ELLEN MIRAMONTES: But it would be  
25 associated with all of this work he's doing

1 there, a restroom, and it would be available to  
2 the public. He'd--you'd be building that restroom  
3 in any case.

4 ERIK BUEHMANN: Well, let's stop and ask  
5 the question, Mark, do you--are you open and are  
6 you expecting to have a public restroom down  
7 there when that boatyard is all built out?

8 MARK SANDERS: Absolutely.

9 ERIK BUEHMANN: Okay.

10 MARK SANDERS: And the reason I hesitate  
11 in putting it in now, you guys, is the way you  
12 would do that is you build a restroom court,  
13 along--the restroom for inside the boatyard for  
14 the workers, and then you have the same plumbing  
15 for the toilets on the other side of them, the  
16 public. But it's got to be in concert with the  
17 design.

18 ELLEN MIRAMONTES: Right.

19 MARK SANDERS: And I don't want to get  
20 trapped into, "Well, where's the restroom?"  
21 before you start doing this and this and this.

22 ERIK BUEHMANN: No, no, no.

23 ELLEN MIRAMONTES: No, no, no. It would  
24 just be a part of this piece. One restroom as  
25 part of that, and one restroom as part of that.

1 MARK SANDERS: Yeah, and that's--we can  
2 do that.

3 ERIK BUEHMANN: [UNINTEL PHRASE]

4 MARK SANDERS: I'm just saying that was  
5 not in the permit. So, that would be a new change  
6 that you're asking for.

7 ERIK BUEHMANN: Would you be willing to  
8 change the permit to add those restrooms? Because  
9 the reason we're asking is because we want to  
10 make sure that it's there. Like, it's not like  
11 something in the ether that--

12 ELLEN MIRAMONTES: Three restrooms were  
13 in the permit.

14 WOMAN: Yeah.

15 ELLEN MIRAMONTES: So, my permit is not  
16 to add new requirements, but to reshuffle the  
17 requirements so that they make sense.

18 ERIK BUEHMANN: Exactly. So, we--

19 ELLEN MIRAMONTES: And so, I'm not  
20 adding new--I'm not proposing a new thing.

21 MARK SANDERS: Well, so, Ellen, let me  
22 be precise on this. The original permit had one.  
23 I sent a letter to Andrea saying, "Please add two  
24 more"--I have the letter--"just in case." And the  
25 reason--there was reason. When you think of most

1 harbors in the Bay, they're small-boat harbors.  
2 Small boaters, they go up and shower. They don't--  
3 they use the loos on the shore.

4 ERIK BUEHMANN: Right.

5 MARK SANDERS: Big boats have multiple  
6 showers, have multiple bedrooms. They never do.  
7 So, it became apparent, as we became a big boat  
8 harbor, it was redundant. So, we didn't build the  
9 extra two that I'd asked for. So, they were  
10 specifically for the marina. And that's why there  
11 were showers, laundry, and restrooms.

12 But I am okay with it. Just let's put  
13 it in language such that it says, as part of the  
14 build-out, or something like that, of the  
15 boatyard--

16 ERIK BUEHMANN: Yeah. Yes.

17 MARK SANDERS: And as part of the build-  
18 out of the retail area, that it will include  
19 restrooms available to the public.

20 ERIK BUEHMANN: Yes.

21 MARK SANDERS: That's fine.

22 ERIK BUEHMANN: Now, let's agree on the  
23 specific language today. Everyone's nodding their  
24 head, so we all like what Mark just said. But  
25 let's see--so, we're talking about one--

<p style="text-align: right;">Page 66</p> <p>1 ELLEN MIRAMONTES: We're on Page 10.</p> <p>2 ERIK BUEHMANN: Well, hang on. First of</p> <p>3 all, let's go to the authorization section. Page</p> <p>4 3, 1B is accurate, right?</p> <p>5 ELLEN MIRAMONTES: In relation to</p> <p>6 restrooms.</p> <p>7 ERIK BUEHMANN: Yes.</p> <p>8 ELLEN MIRAMONTES: Which item is that?</p> <p>9 MARK SANDERS: Page 3.</p> <p>10 ELLEN MIRAMONTES: Are you on 1A?</p> <p>11 ERIK BUEHMANN: 1A, I guess. Where is</p> <p>12 it? Where's the bathroom in 1B?</p> <p>13 BRAD MCCREA: It is--</p> <p>14 MARK SANDERS: It's Item 19 on Page 3.</p> <p>15 It says, "Install the use and maintain—" This is</p> <p>16 temporary.</p> <p>17 ERIK BUEHMANN: Right. Yeah.</p> <p>18 MARK SANDERS: So, Phase 1A was only</p> <p>19 temporary, so--</p> <p>20 ERIK BUEHMANN: It's in 1B. We just saw</p> <p>21 it.</p> <p>22 [UNINTEL - VOICES OVERLAPPING]</p> <p>23 ERIK BUEHMANN: [UNINTEL] have to go to</p> <p>24 the condition on Page 9. Oh, here it is. It's--</p> <p>25 the authorization is Page 3, 1B, 4.</p>	<p style="text-align: right;">Page 67</p> <p>1 ELLEN MIRAMONTES: So, actually, we</p> <p>2 should correct that to be singular, not public</p> <p>3 restrooms, but be "public restroom."</p> <p>4 ERIK BUEHMANN: Yeah, that should</p> <p>5 [UNINTEL].</p> <p>6 ELLEN MIRAMONTES: 1B [UNINTEL].</p> <p>7 MARK SANDERS: Item 4 says, "Construct,</p> <p>8 use, and maintain [UNINTEL PHRASE] that includes</p> <p>9 public restroom."</p> <p>10 ERIK BUEHMANN: Well, I guess it's men</p> <p>11 and women.</p> <p>12 ELLEN MIRAMONTES: Oh, okay.</p> <p>13 MARK SANDERS: It does, yeah. There's--</p> <p>14 ERIK BUEHMANN: Oh.</p> <p>15 ELLEN MIRAMONTES: There you go.</p> <p>16 ERIK BUEHMANN: Yeah.</p> <p>17 MARK SANDERS: That one is okay.</p> <p>18 ERIK BUEHMANN: That one is okay, okay.</p> <p>19 And then we go to Phase 2. And, as part of Number</p> <p>20 1, it'll say, "Construct, use, and maintain</p> <p>21 boatyard facilities that include"--we could put</p> <p>22 it at the very beginning or at the very end of</p> <p>23 all of that. It can say, "a public restroom," or</p> <p>24 public restrooms, use the same language that we</p> <p>25 have in 1B.</p>
<p style="text-align: right;">Page 68</p> <p>1 MARK SANDERS: As long as it's clear</p> <p>2 that it's part--</p> <p>3 ERIK BUEHMANN: It's not--right, it's</p> <p>4 not going to trigger the public access.</p> <p>5 MARK SANDERS: Yeah, exactly. It's got</p> <p>6 to--if it--you know, I'm going to build a</p> <p>7 boatyard building, and we're going to have--and</p> <p>8 that'll be the time to build the public restrooms</p> <p>9 and the private restrooms. And so, if that</p> <p>10 building comes after the field lock or before the</p> <p>11 field lock, there's a logical pin for it. That's</p> <p>12 all I'm saying.</p> <p>13 ERIK BUEHMANN: When you say the</p> <p>14 building, do you mean the dry stack boat storage?</p> <p>15 MARK SANDERS: Well, the--</p> <p>16 ERIK BUEHMANN: Or do you mean the</p> <p>17 boatyard shops, or the--</p> <p>18 MARK SANDERS: You know, I just don't</p> <p>19 know. I would be guessing.</p> <p>20 ERIK BUEHMANN: Yeah. So, I would just</p> <p>21 be worried about that we require the bathroom and</p> <p>22 then he builds and says he has to build the</p> <p>23 whole--</p> <p>24 BRAD MCCREA: No, no, no.</p> <p>25 ADRIENNE KLEIN: I don't think the</p>	<p style="text-align: right;">Page 69</p> <p>1 restroom goes in 1. I think the restroom goes</p> <p>2 with the public access or improvement, [UNINTEL]</p> <p>3 use of the facilities listed in 1.</p> <p>4 ELLEN MIRAMONTES: [UNINTEL] 3.</p> <p>5 ADRIENNE KLEIN: Or 2.</p> <p>6 ELLEN MIRAMONTES: Perhaps [UNINTEL]--</p> <p>7 ADRIENNE KLEIN: Then triggers the</p> <p>8 requirement for--</p> <p>9 BRAD MCCREA: So, we don't even include</p> <p>10 it--we don't authorize it--</p> <p>11 ADRIENNE KLEIN: Well, now we're--</p> <p>12 BRAD MCCREA: [UNINTEL PHRASE]</p> <p>13 specifically call it out.</p> <p>14 ADRIENNE KLEIN: Oh, we're still in the</p> <p>15 authorization. Okay, my apologies. But--</p> <p>16 ELLEN MIRAMONTES: Well, you could</p> <p>17 authorize it still under [UNINTEL] and related.</p> <p>18 ADRIENNE KLEIN: Yeah.</p> <p>19 ELLEN MIRAMONTES: As you're saying,</p> <p>20 Adrienne, under Item 3.</p> <p>21 ADRIENNE KLEIN: Still makes more sense,</p> <p>22 probably.</p> <p>23 ELLEN MIRAMONTES: Under Item 3.</p> <p>24 ADRIENNE KLEIN: Yeah.</p> <p>25 BRAD MCCREA: Yeah, okay.</p>

<p style="text-align: right;">Page 70</p> <p>1 ELLEN MIRAMONTES: Just put it right 2 there. 3 ERIK BUEHMANN: Would you be--would that 4 be okay, to authorize the public bathroom, 5 authorize it and then condition it? 6 [UNINTEL - VOICES OVERLAPPING] 7 ERIK BUEHMANN: I'm saying--I'm just 8 trying to figure out, do we need to explicitly 9 call it out in the authorization section, or is 10 it just part of the boatyard facility? And then 11 we don't want to exactly call it out, but we 12 require it on Page 9. 13 MARK SANDERS: You guys actually 14 [UNINTEL] it either way. [UNINTEL PHRASE] since 15 it's not part of it now, if you left it out, you 16 can absolutely put it in when I have to come back 17 with the drawings, say, "By the way, here's the 18 restroom." 19 ELLEN MIRAMONTES: "Where's the 20 restroom?" 21 MARK SANDERS: "Here's where it's going 22 to be." Or you could say we put it in now, but 23 then we add some term that says, as part of the 24 construction process, instead of--so it can't be 25 misinterpreted by some new set of people that,</p>	<p style="text-align: right;">Page 71</p> <p>1 "Oh, you've got to have a restroom before you 2 build the buildings." 3 BRAD MCCREA: Let's put it in--let's 4 require it on Page 10. 5 [UNINTEL - VOICES OVERLAPPING] 6 ELLEN MIRAMONTES: It would be a public 7 access requirement associated with that phase. 8 So, it would-- 9 MARK SANDERS: Associated with that 10 phase, great, but not-- 11 ELLEN MIRAMONTES: That phase. 12 MARK SANDERS: Not-- 13 ELLEN MIRAMONTES: Not some other thing. 14 ERIK BUEHMANN: Please turn to Page 10. 15 MARK SANDERS: Okay. 16 ERIK BUEHMANN: So, what we'll do is 17 we'll include it on Page 10, Phase 2. And then 18 we'll add a new letter. I think we need to add a 19 new letter. 20 ELLEN MIRAMONTES: E. 21 ERIK BUEHMANN: E. 22 ELLEN MIRAMONTES: One public restroom. 23 ERIK BUEHMANN: And it says, "Public 24 restroom, as part--to be included as part of the 25 boatyard facilities."</p>
<p style="text-align: right;">Page 72</p> <p>1 ADRIENNE KLEIN: Yeah. Mm hmm. Yes. 2 ERIK BUEHMANN: And maybe we want to be 3 even more specific, because the boatyard 4 facilities actually include the straddle lift. 5 And we're not necessarily going to require the 6 restroom when you build the straddle lift. So, I 7 think we want to say the boatyard facility-- 8 BRAD MCCREA: Buildings, or-- 9 ERIK BUEHMANN: Yeah, something like the 10 building--yeah, buildings, or I could actually-- 11 the buildings associated with the boatyard 12 facilities, or something like-- 13 ELLEN MIRAMONTES: Well, if you're 14 concerned about that, you would want to get it 15 right up in the first sentence, "Prior to the use 16 of any structure," if you're saying, "besides the 17 straddle lift," or-- 18 ERIK BUEHMANN: Right. 19 ELLEN MIRAMONTES: You would want to do 20 it there. 21 ERIK BUEHMANN: Except I would say 22 except otherwise specified, or provided, prior to 23 the use of any structure. And then, later, we 24 would say, you know, "as part of the," and then 25 you would call it out as the, like, exception.</p>	<p style="text-align: right;">Page 73</p> <p>1 BRAD MCCREA: Right. 2 ELLEN MIRAMONTES: Yeah. 3 ERIK BUEHMANN: I just want to--what 4 we're all agreeing to is that you would only have 5 to build the restroom at the boatyard when you 6 build the building that the restroom would be in. 7 MARK SANDERS: Yeah, that makes sense. 8 ERIK BUEHMANN: And somehow we have to 9 explain that in plain English. 10 BRAD MCCREA: Yeah, okay. 11 MARK SANDERS: And then, on the Phase 3 12 part, Brad, where it says now--you added language 13 on--this is Page 10, Phase 3B. You said, 14 "including"--at first I objected, because this is 15 an added. But obviously we're going to have 16 restrooms as part of it. So, if you said below, 17 "including"--I would just say restrooms, public 18 restrooms. And--but take out the "marina basin"; 19 why don't we just say, "as part of the retail 20 area"? 21 BRAD MCCREA: What letter are we doing? 22 MARK SANDERS: This is E on Page 3. 23 ELLEN MIRAMONTES: Page 3, letter E. 24 MARK SANDERS: In other words, this is 25 including, in that 10 percent set aside for</p>

1 public access, that must include public restrooms  
2 in the same area.

3 ERIK BUEHMANN: Yeah. Okay.

4 [UNINTEL - VOICES OVERLAPPING]

5 ELLEN MIRAMONTES: That's great.

6 MARK SANDERS: That's a little bit  
7 different than--

8 BRAD MCCREA: Did you get that, Erik?

9 ERIK BUEHMANN: Yeah.

10 [UNINTEL - VOICES OVERLAPPING]

11 ELLEN MIRAMONTES: Okay.

12 ERIK BUEHMANN: Okay.

13 ELLEN MIRAMONTES: I think that covers  
14 that item, right?

15 ERIK BUEHMANN: Yeah. Okay. And I think  
16 that's it, all I have for the list. So, now we  
17 can talk about the dates of when things can be  
18 developed.

19 MARK SANDERS: There's a couple--did  
20 you--

21 ERIK BUEHMANN: I do--one last thing. I  
22 do want to say, like, we are going to incorporate  
23 most of these changes, but they might be changed  
24 a little bit, like, you know--

25 BRAD MCCREA: This is the email, right?

1 That's what we printed?

2 ERIK BUEHMANN: Yeah, I mean in the  
3 email. The things you propose to change in the  
4 email, we're mostly thinking--

5 MARK SANDERS: You mean you want to  
6 change them in a different way?

7 ERIK BUEHMANN: Yeah, to make it a  
8 different thing. So, just so you know, it's not  
9 going to be exactly what you--

10 MARK SANDERS: Well, [UNINTEL] this is  
11 the right way to do it. I mean, you make the  
12 change, I make--you know, and we resolve it that  
13 way.

14 ERIK BUEHMANN: Yeah.

15 [UNINTEL - VOICES OVERLAPPING]

16 ERIK BUEHMANN: But what we're hoping to  
17 do is we're going to sign this next week.

18 WOMAN 1: I hope so, too.

19 ERIK BUEHMANN: Adrienne actually  
20 [UNINTEL PHRASE], Adrienne. I should have asked.

21 ADRIENNE KLEIN: [UNINTEL PHRASE]  
22 celebrate your birthday.

23 ERIK BUEHMANN: Who has a birthday  
24 coming up?

25 ADRIENNE KLEIN: So, okay. Just on Page

1 9, Item 4A? So, currently, the requirement is  
2 that there are eight--in Phase 1, eight sign  
3 public parking places.

4 MARK SANDERS: Right.

5 ADRIENNE KLEIN: And then there's this  
6 sentence: "Although the entire parking lot"--  
7 although all the spaces, we're saying, you know,  
8 the 604 spaces, are open to the public. And you  
9 have a comment here saying that the Phase 1  
10 parking area, 291 spaces, is open to the public.

11 MARK SANDERS: Yeah, because--

12 ADRIENNE KLEIN: And so, is that--

13 MARK SANDERS: See, we--

14 ADRIENNE KLEIN: You mean that those--  
15 that the public not differs from--so, my  
16 understanding is that the public can enter, and  
17 there's only 12 total eventually dedicated public  
18 parking places. But you said during our site  
19 visit last summer and other times that the public  
20 can go--so, let's say I want to go here, and I'm  
21 not very able-bodied. I should be able to park,  
22 you know, in one of these spaces that is not  
23 designated public access. Is that possible?

24 MARK SANDERS: Yeah, let me sketch on  
25 your--so, but three--there's the sign public

1 parking spaces. There's four here.

2 ADRIENNE KLEIN: Right, but I'm not  
3 talking about the sign public parking places.

4 MARK SANDERS: Well, but just hear me  
5 out. So, there's four here and there's four here.  
6 Now, these four obviously aren't built until the  
7 parking lot is built. So, this is talking about  
8 Phase 1B. This isn't built yet in Phase 1B. So,  
9 obviously you couldn't have 12 available. The  
10 public can park anywhere they want along here,  
11 obviously. We'd never--

12 ADRIENNE KLEIN: And that's the Phase  
13 1B?

14 MARK SANDERS: We make no distinction of  
15 it. But that's Phase 1B, is all this strip.

16 ADRIENNE KLEIN: Okay.

17 MARK SANDERS: And then the--that's why  
18 it's eight and not 12. When Phase 3 is built, and  
19 we build this parking lot, we add the last four  
20 designated public parking, although this is  
21 always public. I mean, with a restaurant and  
22 coffee shop, you're certainly going to expect--

23 ADRIENNE KLEIN: Then would it make  
24 sense, Mark, instead of reducing the number from  
25 604, to reduce the verb to the future, and say

1 that the 604-space lot will be open to the  
2 public? Does that solve the problem?

3 MARK SANDERS: If you--but don't you  
4 think it's confusing? We're talking about--it's  
5 describing Phase 1B, and you're talking about  
6 Phase 2 and Phase 3 parking.

7 [UNINTEL - VOICES OVERLAPPING]

8 ADRIENNE KLEIN: Right, and so my only  
9 concern was that, if we reduce the number to 291,  
10 that the other 400 spaces--or the other 300  
11 spaces wouldn't be available to the public.

12 [UNINTEL - VOICES OVERLAPPING]

13 MARK SANDERS: Just take that all--  
14 Adrienne, just take it all out and say, "although  
15 the entire parking area--all the parking areas  
16 will be open to the public."

17 ADRIENNE KLEIN: Great. Oh.

18 MARK SANDERS: That's the easiest way to  
19 do it, is take out the nitpicking.

20 ADRIENNE KLEIN: Thank you. It'll really  
21 be. Okay. Thank you. And then, the next item, B,  
22 you wanted us to remove the language in paren--

23 ERIK BUEHMANN: I'm sorry, where are  
24 you? I didn't mean to interrupt.

25 ADRIENNE KLEIN: Sorry, it's fine.

1 MARK SANDERS: That's Page 9.

2 ADRIENNE KLEIN: Still Page 9, Item 4B.

3 So, this is where the permit requires the trail  
4 around the marina basin, and the connections to--  
5 the connection to the adjacent Pacific Shores  
6 property. And you have requested that we delete  
7 that parenthetical. And so, I--we--I would be  
8 disinclined to do that.

9 MARK SANDERS: The reason is--

10 ADRIENNE KLEIN: Because that's a very  
11 important--I mean, without the connection--

12 MARK SANDERS: It's--no, no, no, it's  
13 strictly grammatical. It's one of the original  
14 sins of the--so, we have pavers, for example,  
15 that go to the heads of every dock. They go  
16 around the restrooms or the boat--there's all  
17 kinds of paths and pavers that don't connect to  
18 adjacent properties. There's only one connection  
19 to adjacent properties.

20 And so, you are making it--it's  
21 inconsistent. We have pavers and paths that go to  
22 places that aren't--

23 ADRIENNE KLEIN: Okay, I understand your  
24 point now. So, let me propose a fix. Thank you  
25 for explaining that. Anybody else can propose a

1 fix, too.

2 MARK SANDERS: Well, if you take out the  
3 parentheses, it goes away. The problem goes away  
4 and you lose nothing. It just says, "Walkways."

5 ADRIENNE KLEIN: But we want the permit  
6 to clearly indicate that the connection to  
7 Pacific Shores will be made. And so, we have to  
8 require that for you to have a workable permit.

9 MARK SANDERS: Right, but there is  
10 language that that's treated specifically in the  
11 permit.

12 [UNINTEL - VOICES OVERLAPPING]

13 MARK SANDERS: Yes.

14 ELLEN MIRAMONTES: Specific reference to  
15 Pacific Shores?

16 ADRIENNE KLEIN: Where is that?

17 ELLEN MIRAMONTES: Just cut out the name  
18 and just say, rather than--

19 ADRIENNE KLEIN: That sounds like a good  
20 idea, yes.

21 ELLEN MIRAMONTES: Just say to Pacific  
22 Shores.

23 ADRIENNE KLEIN: So, just say, "designed  
24 to provide connections"--or how about if we say,  
25 "designed, in the appropriate locations, to

1 provide connections to adjacent properties"?

2 MARK SANDERS: Let me find it. You have  
3 a whole paragraph on the same thing.

4 ADRIENNE KLEIN: Well, but it needs to  
5 be in this special condition.

6 MAN: So you can refer to this other  
7 paragraph, [UNINTEL].

8 WOMAN: That's true.

9 ERIK BUEHMANN: Yeah, like, "as  
10 described in."

11 WOMAN: "As specified in."

12 ADRIENNE KLEIN: I mean--

13 MARK SANDERS: Well, you know, so,  
14 change it this way.

15 ADRIENNE KLEIN: Mark, we only need it  
16 to be at the single--at the two locations, you  
17 know.

18 WOMAN: Yeah.

19 MARK SANDERS: I understand. So, I--my  
20 sensitivity is because I've been so surprised by  
21 what I thought were just simple mistakes blowing  
22 up on me. So, what if you change this? Leave it  
23 in, but say, instead of "all designed to  
24 provide," it's just--just say, "including  
25 connections to adjacent properties." And then

1 it's grammatically correct.

2 ELLEN MIRAMONTES: Sure.

3 ERIK BUEHMANN: Yeah.

4 MARK SANDERS: So, we're taking away  
5 nothing, but it's just right now.

6 ELLEN MIRAMONTES: [UNINTEL] connections  
7 to adjacent properties. That appears fine to me.

8 MARK SANDERS: Yeah.

9 ELLEN MIRAMONTES: Does that--Adrienne,  
10 does that?

11 MARK SANDERS: So, that means--that  
12 comprehends the fact that paths go to places  
13 besides adjacent properties.

14 ERIK BUEHMANN: Right. Right.

15 MARK SANDERS: But also includes those.  
16 Then that's fine.

17 ERIK BUEHMANN: Yeah.

18 ELLEN MIRAMONTES: Does that address it,  
19 Adrienne, do you think?

20 ADRIENNE KLEIN: I think so. I would--  
21 yeah, it seems to. I think so.

22 ERIK BUEHMANN: Last chance.

23 MARK SANDERS: My objection is only to  
24 make sure that it's consistent so we don't get  
25 hung up on--

1 MARK SANDERS: It looks like this. So,  
2 if this is the riprap, [UNINTEL PHRASE] the  
3 swale, and then there's the path itself. And the  
4 Gainway observation decks are here. The  
5 boardwalk--

6 WOMAN 1: [UNINTEL PHRASE]

7 MARK SANDERS: Oh, I'm sorry.

8 WOMAN 1: That's all right.

9 MARK SANDERS: The boardwalk--because  
10 this is just sort of wasted space, and unofficial  
11 road--

12 ADRIENNE KLEIN: Right.

13 MARK SANDERS: --the boardwalk would  
14 extend out over this. So, the path would be  
15 covered. But, instead of being 10 feet, it goes  
16 out--

17 [UNINTEL - VOICES OVERLAPPING]

18 MARK SANDERS: Now, I imagine it's going  
19 to be more than 15 feet.

20 ADRIENNE KLEIN: I--so, my understanding  
21 was that this would just meet at grade level, and  
22 that you would keep your DG here.

23 MARK SANDERS: Mm, no, because we've  
24 got--

25 ADRIENNE KLEIN: So--

1 ELLEN MIRAMONTES: Within the permit  
2 itself.

3 MARK SANDERS: Within the permit itself.  
4 ADRIENNE KLEIN: Right.

5 ELLEN MIRAMONTES: That's very true.

6 MARK SANDERS: We've had too much of  
7 that, so.

8 ADRIENNE KLEIN: And then I guess--so, I  
9 just think I need a little help understanding,  
10 when you add the boardwalk here--so, now I'm  
11 looking at your comment, Page 10, Item F.

12 MAN: Page 10, F.

13 ADRIENNE KLEIN: The one--

14 MARK SANDERS: Okay.

15 ADRIENNE KLEIN: Page 10, Item F. So,  
16 the--so, now we have a decomposed granite pathway  
17 here. And it was to have been at least 12 feet,  
18 but it's 10 feet. And we've agreed to  
19 intermittently allow it to stay at 10 feet.

20 ELLEN MIRAMONTES: That's right.

21 ADRIENNE KLEIN: But there was always a  
22 plan to--my understanding was there'd be--  
23 boardwalk would be built from the shoreline edge  
24 over the water. But your comment here says that  
25 it would be replaced.

1 MARK SANDERS: We've got restrooms, our  
2 restaurants, and things. So, this is going to  
3 want to be--think of Sam's or something like  
4 that. People come to get their coffee in the  
5 building, they sit on the table here, they may  
6 sit on the table here. And there's a path that  
7 goes right through the middle of it. But they  
8 want to be out over the water. And, of course,  
9 the docks for visiting boaters are here. They tie  
10 their boats up, they walk up the ramp, and  
11 they're sitting there, looking right down on  
12 their boats.

13 So, no, the plan was always a boardwalk  
14 out over the riprap, not over the water. And that  
15 would cover--

16 ADRIENNE KLEIN: That's what I meant.

17 MARK SANDERS: Yeah.

18 ADRIENNE KLEIN: So, Ellen, did you  
19 understand that?

20 ELLEN MIRAMONTES: That it would  
21 replace--

22 ADRIENNE KLEIN: Yeah.

23 ELLEN MIRAMONTES: I don't think--I  
24 don't--I didn't think that Mark knew what would  
25 happen. But what was important to us is that it

1 be sufficient width. So, I didn't know that he  
2 knew exactly how it would physically transform,  
3 but we knew that we wanted, dimensionally, we--it  
4 was going to be the 12 [UNINTEL] and we agreed to  
5 the 10.

6 ADRIENNE KLEIN: [UNINTEL PHRASE] Okay.

7 ELLEN MIRAMONTES: We knew that it  
8 needed to get to 15 to provide the sufficient  
9 width for movement along the shoreline. I don't  
10 think we knew what the physical solution would  
11 be, but that the width--

12 ADRIENNE KLEIN: So, that'd just be--

13 MARK SANDERS: We actually did--we  
14 provided vignette drawings to BCDC, which showed  
15 the boardwalk that--it actually showed cross  
16 sections of the boardwalk going out over the  
17 water and--

18 ELLEN MIRAMONTES: And I think what is  
19 important is the width.

20 ADRIENNE KLEIN: Okay. But then, so--  
21 but, well, I guess it just--it sounds really  
22 pretty and lovely. It's just, I mean, there are  
23 some accessibility issues to be faced. And there  
24 are then, you know, grade changes where that--

25 MARK SANDERS: There are safety issues.

1 So, you don't want people walking on--

2 ADRIENNE KLEIN: Okay.

3 MARK SANDERS: Pavers or boardwalk, and  
4 then suddenly you're in DG for 10 feet, and then  
5 you go back onto boardwalk.

6 [UNINTEL - VOICES OVERLAPPING]

7 ELLEN MIRAMONTES: But the ramps here,  
8 then.

9 WOMAN 1: What are you concerned about?

10 ELLEN MIRAMONTES: Wouldn't it be a  
11 level grade but--

12 ADRIENNE KLEIN: Well, so, this  
13 boardwalk would--it extends--I mean, I know we  
14 don't know the scale per se. But it generally in  
15 front of--

16 ELLEN MIRAMONTES: The divide.

17 ADRIENNE KLEIN: These three building  
18 envelopes, Mark?

19 MARK SANDERS: The idea was--

20 ADRIENNE KLEIN: So, this--at the end,  
21 where the boardwalk ends, going transverse to the  
22 pathway, there's going to be the grade change  
23 that needs to be--

24 ELLEN MIRAMONTES: I think you would  
25 build it at the same level.

1 ADRIENNE KLEIN: Well, according to  
2 Mark, it would be above-grade, Ellen. The  
3 boardwalk goes on top of the existing grade.

4 MARK SANDERS: No, the--well, the DG--  
5 yeah, the boardwalk sits on top of the grade. The  
6 DG disappears.

7 ADRIENNE KLEIN: Oh.

8 MARK SANDERS: The only reason I put the  
9 DG path in--

10 ADRIENNE KLEIN: [UNINTEL PHRASE] is  
11 good.

12 MARK SANDERS: The only reason I put the  
13 DG path in in the first place is to get to this  
14 dock.

15 BRAD MCCREA: [UNINTEL] on grid.

16 MARK SANDERS: The first dock I built  
17 was the transient dock, the very first one. And  
18 you had the equipment off through mud. And so, as  
19 soon as I got--I mean, it sat idle for two years.  
20 Then I built the DG pathway here, just to get to  
21 that.

22 In my mind, in--based on the  
23 correspondence with--that was attached to the  
24 original permit, the paths would be consistent  
25 with the developments ongoing at the time. I

1 never envisioned building paths for Phase 2 and  
2 Phase 3 as part of Phase 1. And so, I put that  
3 path there just for my convenience. It was always  
4 going to be the boardwalk.

5 And here you see the big [UNINTEL  
6 PHRASE]. And here's extensions of the--basically,  
7 decks here. So, these are decks and these are  
8 decks that are on either side of the main  
9 boardwalk, so people can sit out here on tables  
10 and look right down on the boats. And they can  
11 sit back here if they want. It was always planned  
12 that way. And this path, this boardwalk, was  
13 basically like you'd find on a beachfront area.

14 ELLEN MIRAMONTES: And it would stop--  
15 Adrienne wanted to know exactly where it would  
16 stop.

17 MARK SANDERS: It would--it begins and  
18 it goes on here. I--we put this right--this  
19 funny-looking shape thing here. We thought the  
20 restaurant would be best here, because you can  
21 see the bay and the marina. But--and that's still  
22 my plan.

23 WOMAN 1: At the other end, where would  
24 it transition?

25 ELLEN MIRAMONTES: At the other end?



1 MARK SANDERS: Oh, at the other end?  
 2 This--well, this is the rowing center now.  
 3 Remember that was moved. And so, they want a big,  
 4 30-foot-wide apron that goes all the way out. And  
 5 so, it would go right across the rower's apron.  
 6 But, again, you guys, that's all  
 7 figments of my imagination. Until we have the  
 8 design, we're trying to nail down something  
 9 that's jello. It's just--  
 10 [UNINTEL - VOICES OVERLAPPING]  
 11 ELLEN MIRAMONTES: Adrienne,  
 12 accessibility I don't think is a concern, because  
 13 the boardwalk would be built--you wouldn't have a  
 14 step up to the boardwalk. You would build your  
 15 path that connects to that ramp.  
 16 MARK SANDERS: Oh, yeah, the boardwalk--  
 17 it's--Here's how we're looking at it.  
 18 [UNINTEL - VOICES OVERLAPPING]  
 19 MARK SANDERS: So, if you looked at the--  
 20 -well.  
 21 ERIK BUEHMANN: [UNINTEL PHRASE]  
 22 MARK SANDERS: The answer is yes. I  
 23 mean, obviously, safety is a huge issue. And so,  
 24 we aren't going to have steps. The boardwalk  
 25 should kind of be part of the pathway. It just

1 gets wider.  
 2 ELLEN MIRAMONTES: Right. Right. And  
 3 that's what's important to us, is the width.  
 4 MARK SANDERS: And I think [UNINTEL]  
 5 square is--  
 6 ELLEN MIRAMONTES: That it just gets  
 7 wider. I mean, that--  
 8 ADRIENNE KLEIN: The boardwalk.  
 9 ELLEN MIRAMONTES: Yes.  
 10 ERIK BUEHMANN: Yeah. But Mark, is the  
 11 boardwalk actually going to be wood, or is it  
 12 going to be concrete?  
 13 MARK SANDERS: Well, my plan was  
 14 [UNINTEL] wood, because it was a--it's a farmed  
 15 material. And it was relatively cost-effective.  
 16 [UNINTEL] wood now is like solid good. So, I'm  
 17 not sure what I'll do.  
 18 ERIK BUEHMANN: Think about whether you  
 19 want bicycles, because bikes are going to be on  
 20 there. You know, they're going to bum-bum-bum.  
 21 MARK SANDERS: Yeah.  
 22 ERIK BUEHMANN: Anyway, that's a  
 23 discussion that's way down the road.  
 24 BRAD MCCREA: Yeah.  
 25 MARK SANDERS: It is.

1 ADRIENNE KLEIN: But, just so, somehow,  
 2 we have to--thank you for explaining that. Now I  
 3 understand that I just didn't get it. So, we  
 4 just--you just want us to change the language in  
 5 F to reflect that now it's DG, and later it's  
 6 going to be something else, correct? And that's--  
 7 we don't--you know, and that's all going to be  
 8 handled through plan review. So, we can--  
 9 ERIK BUEHMANN: I don't see how the  
 10 language actually says that, though. It doesn't  
 11 say it's going to be something else. It just says  
 12 widen it.  
 13 ADRIENNE KLEIN: Well--well, I was  
 14 commenting on Mark's--  
 15 ERIK BUEHMANN: Yeah.  
 16 ADRIENNE KLEIN: Mark asked us to change  
 17 it to say--  
 18 ERIK BUEHMANN: Yeah.  
 19 ADRIENNE KLEIN: Boardwalk.  
 20 ERIK BUEHMANN: Oh, I'm sorry. You're  
 21 right. So, this is--  
 22 ELLEN MIRAMONTES: Why don't we just say  
 23 "walkway"?  
 24 ADRIENNE KLEIN: Yeah, exactly, Ellen.  
 25 ELLEN MIRAMONTES: Just widen that

1 section of the--and not describe it as decomposed  
 2 granite?  
 3 ADRIENNE KLEIN: Exactly. Well, I could--  
 4 -we could say, "Well, of the now decomposed  
 5 granite walkways," you know, to become something  
 6 else. Yeah. Okay. Right?  
 7 ERIK BUEHMANN: Especially they don't  
 8 care how we say it, as long as we capture it,  
 9 right?  
 10 ELLEN MIRAMONTES: Just say walkways,  
 11 correct?  
 12 MARK SANDERS: Well, the--you're  
 13 correct.  
 14 ERIK BUEHMANN: Okay.  
 15 MARK SANDERS: What bothers me is how we  
 16 got to the 12 feet. The mitigation range or the  
 17 48 mitigation majors dictated landscaping and  
 18 shoreline treatment, and specified 10 feet. My  
 19 drawing specified 10 feet. They were changed to  
 20 12.  
 21 WOMAN: And, actually, they were--  
 22 MARK SANDERS: They were changed to 12  
 23 after the fact. And the Bay Trail specified 10  
 24 feet. It was called the Bay Trail Walkway; it was  
 25 10 feet. And, along the line, it got changed to

1 12 feet, which, in some parts, was not even  
2 possible to do. And so, now I'm feeling under the  
3 wing to do something, and I've got the widest  
4 walkways of anywhere in the Bay.

5 ELLEN MIRAMONTES: But we've actually  
6 [UNINTEL] to the 10, and feel that--

7 MARK SANDERS: Well, but it's still--  
8 yeah, it's still an allegation with penalties  
9 involved. But--

10 ELLEN MIRAMONTES: But we're amending  
11 the permit to--

12 BRAD MCCREA: Okay, let's--

13 MARK SANDERS: Oh, yeah, but I have to--

14 BRAD MCCREA: Let's move on.

15 MARK SANDERS: Yeah, let's move on.

16 ELLEN MIRAMONTES: Yeah. Yeah.

17 [UNINTEL - VOICES OVERLAPPING]

18 BRAD MCCREA: [UNINTEL PHRASE] the  
19 bathrooms. But [UNINTEL] reference there.

20 MAN: Wait, where are you again?

21 BRAD MCCREA: Phase 3F, same section. It  
22 says, "As required by Item [UNINTEL]."

23 ADRIENNE KLEIN: It's supposed to 1B.

24 Thank you, Mark.

25 BRAD MCCREA: But--okay.

1 [UNINTEL - VOICES OVERLAPPING]

2 ADRIENNE KLEIN: Item B of Phase 1.

3 BRAD MCCREA: Item B.

4 ADRIENNE KLEIN: Yeah, B, yeah. [UNINTEL  
5 PHRASE] caught that [UNINTEL].

6 BRAD MCCREA: Oh, okay.

7 ERIK BUEHMANN: Yeah, it's supposed to  
8 be B, yeah.

9 BRAD MCCREA: No, I know, that's what I  
10 was saying. Yeah, I don't know. I just didn't  
11 know where it was supposed to be.

12 ELLEN MIRAMONTES: Okay.

13 ERIK BUEHMANN: Yeah, okay. So, I said  
14 it would take like 10 minutes or so, and it took  
15 an hour and a half to go through the--

16 MARK SANDERS: Well, but we've made--I  
17 feel that this is huge progress. This is more  
18 progress per minute than we've ever made before.  
19 So, you should feel good.

20 ERIK BUEHMANN: So, should we talk about  
21 the dates? Are we ready to talk about the dates?  
22 Okay.

23 BRAD MCCREA: Do it. Maybe we can throw  
24 a coin involved.

25 ERIK BUEHMANN: Yeah, so -- Let's do--

1 yeah, what's really important is the--

2 ELLEN MIRAMONTES: This one.

3 ERIK BUEHMANN: Is Page 9, Phase 1B. So,  
4 I don't really know how to start.

5 BRAD MCCREA: Oh, right, Page 9--

6 ADRIENNE KLEIN: Erik, can we get rid of  
7 the sentences in Sections B, E, and F? Because  
8 we're moving--

9 ERIK BUEHMANN: Yeah.

10 ADRIENNE KLEIN: A bunch of stuff.

11 ERIK BUEHMANN: Those are [UNINTEL].

12 ADRIENNE KLEIN: We didn't really quite  
13 draft it right.

14 ERIK BUEHMANN: Yeah.

15 ADRIENNE KLEIN: So, we don't need--are  
16 you with me, Mark? We were sort of--

17 ERIK BUEHMANN: I just left the old  
18 Amendment Number 5 from a while ago. I just left  
19 the dates--like, any reference--any sentence with  
20 a reference to a date, I just left it in there.

21 So, it might not necessarily--because, last time,  
22 we agreed--

23 ELLEN MIRAMONTES: To make [UNINTEL].

24 ERIK BUEHMANN: When we met, that we  
25 would try to find some dates certain when things

1 could be opened. That's where we kind of left it.

2 And I just sort of left that stuff in the permit,  
3 thinking that we would negotiate it today. So,  
4 the structure of how the dates are--you know how  
5 there are a bunch of dates here, highlighted?

6 MARK SANDERS: Yeah.

7 ERIK BUEHMANN: Isn't necessarily how we  
8 should necessarily do it. So, you know, it just--

9 BRAD MCCREA: Although we like August  
10 31st, right?

11 ERIK BUEHMANN: Yeah, we like August  
12 31st for sure. But we don't necessarily, you  
13 know--the way it says, "A portion of this access  
14 generally located easterly will be completed by,"  
15 you know, we don't necessarily--it would probably  
16 be--we would like it to have one date at the top  
17 here prior to August 31st, 2013. We would like  
18 that to be it. And then all this portion of this  
19 access stuff we would just take out. And then we  
20 could have everything at that date.

21 MARK SANDERS: Okay.

22 ERIK BUEHMANN: That's what we would  
23 like.

24 MARK SANDERS: Let me tell you what I  
25 think I can do, and maybe we can work backwards

1 from that. As Brad said, I can--it's summertime  
2 now. I can get the finishing done, so this  
3 pathway will be completed this summer. I can get  
4 it done this year. Now, whether it's August or  
5 September, it'll be this summer, before it rains.  
6 That's my intention to bring--

7 ELLEN MIRAMONTES: And bring it around  
8 here, too?

9 MARK SANDERS: And bringing it around  
10 here, right up to the end.

11 ELLEN MIRAMONTES: Okay.

12 MARK SANDERS: And so, I can do that.  
13 And that will be--if we can get the opening with  
14 Pacific Shore Center and with the City, that will  
15 be the first legal pedestrian access into the  
16 harbor, because over here, Pacific Shore Center,  
17 we can get this one over here.

18 ADRIENNE KLEIN: But we could even--  
19 hopefully nothing will go wrong with that  
20 connection, but, once your fence is up around  
21 your--three, four building envelopes? The--

22 MARK SANDERS: It's around the--it's  
23 basically the fence fences off the--the major  
24 construction area, like this.

25 ADRIENNE KLEIN: Right. You're--one can

1 still have vehicular access into your property  
2 with signs and physical public access.

3 MARK SANDERS: Oh, yeah. There's only  
4 one vehicle access into the property. It has to  
5 stay the same, yes.

6 ADRIENNE KLEIN: Right. No, I--

7 MARK SANDERS: There's no pedestrian  
8 path here. So, right now, people that want to  
9 come in--which doesn't happen, by the way, very  
10 often. But if someone wants to walk there, they  
11 just walk on the street.

12 ADRIENNE KLEIN: They walk on the road.

13 MARK SANDERS: All the way around until  
14 they get to the first--the location for the path.

15 ERIK BUEHMANN: So, by the summer, you  
16 would be able to put--fence that off so you could  
17 open up the public access, which would include  
18 the eight single parking spaces in 1B.

19 MARK SANDERS: There are--that's already  
20 done.

21 ERIK BUEHMANN: Yeah. And then the--I'm  
22 just going through the list, so. And then the 10-  
23 foot-wide path along the--that goes along here.

24 MARK SANDERS: Mm hmm.

25 ERIK BUEHMANN: And then I guess there's

1 a--and then the path that goes along there.

2 MARK SANDERS: And then the continuation  
3 of the path to the lookout and to Pacific Shore.  
4 So, the continuation from here to here, and the  
5 fence.

6 ERIK BUEHMANN: And then the dead spruce  
7 we'll talk about in a minute. The public restroom  
8 in the harbormaster building.

9 MARK SANDERS: Right.

10 ERIK BUEHMANN: Landscaping. Site  
11 furnishings, including lighting, seating, not  
12 less than 20 benches, tables, trash receptacles,  
13 not less than 10 trash containers.

14 WOMAN 1: But that's not just for this  
15 area. That's also for this area.

16 [UNINTEL - VOICES OVERLAPPING]

17 WOMAN 1: It's for here and for here.

18 ERIK BUEHMANN: I'm just--you know,  
19 because we want to make sure that it--all of that  
20 1B stuff. I'm going through all the 1B stuff. No  
21 fewer than 15 signs through the whole deal, or at  
22 least the 1B section, right? Two-lane public boat  
23 launch ramp. I guess we can talk about that, I  
24 guess, in a minute. 15 sign parking spaces for  
25 vehicle and boat trailer parking.

1 ELLEN MIRAMONTES: Down there. Mm hmm.

2 ERIK BUEHMANN: Okay. And then, well,  
3 this is kind of--

4 ELLEN MIRAMONTES: Complete installation  
5 at the 10- to 15-foot-wide public access block,  
6 and over the--this area here.

7 ERIK BUEHMANN: This is just repetitive,  
8 isn't it, though?

9 BRAD MCCREA: Yeah.

10 ERIK BUEHMANN: East of the--oh, east of  
11 the harbor building.

12 ELLEN MIRAMONTES: No, it's east of the  
13 harbor building.

14 ERIK BUEHMANN: Yeah.

15 ELLEN MIRAMONTES: This, that's  
16 referring to this section here.

17 ERIK BUEHMANN: Yeah, that's right.  
18 Okay. And then, oh, and the overlook would be the  
19 eastern overlook, so that would need to be  
20 changed.

21 MARK SANDERS: Yeah. If you look at the  
22 top of Page 10, I don't know if you caught this,  
23 but the word--the--east of the harbormaster's to  
24 the launch ramp--

25 ERIK BUEHMANN: Yeah, which is up here,

<p style="text-align: right;">Page 102</p> <p>1 right?</p> <p>2 MARK SANDERS: Yeah, exactly.</p> <p>3 ERIK BUEHMANN: Yeah, great, yeah. Okay.</p> <p>4 So--</p> <p>5 ELLEN MIRAMONTES: And then this little</p> <p>6 overlook here, too, right? You would be able to</p> <p>7 do that.</p> <p>8 MARK SANDERS: Yeah. Now, that's going</p> <p>9 to be more difficult, because this is--there's</p> <p>10 construction going on out there. There's just tons</p> <p>11 of equipment out there. So, I need to be able to</p> <p>12 do this pretty quickly. But where's--there's--</p> <p>13 because of building this, all the staging is</p> <p>14 here. So, we got all kinds of crap out there. So,</p> <p>15 this is going to be--I've got the path to here.</p> <p>16 And it continues around to here. But this one is</p> <p>17 going to take me longer to do, because I've got</p> <p>18 to finish this.</p> <p>19 ERIK BUEHMANN: So, you're saying this</p> <p>20 would be--that would be Phase 2?</p> <p>21 MARK SANDERS: No, no, that's still</p> <p>22 Phase 1B.</p> <p>23 ERIK BUEHMANN: Okay.</p> <p>24 MARK SANDERS: But I can't start Phase</p> <p>25 2--</p>	<p style="text-align: right;">Page 103</p> <p>1 WOMAN 1: By September?</p> <p>2 MARK SANDERS: I can't start Phase 2</p> <p>3 until--</p> <p>4 ERIK BUEHMANN: Yeah.</p> <p>5 MARK SANDERS: In my mind, all of this</p> <p>6 is done.</p> <p>7 ERIK BUEHMANN: When can you have that</p> <p>8 open by--</p> <p>9 ELLEN MIRAMONTES: So, when would that--</p> <p>10 ERIK BUEHMANN: Yeah, when would that</p> <p>11 be--</p> <p>12 MARK SANDERS: Oh, that certainly--that</p> <p>13 couldn't be August. This stuff--what is it now?</p> <p>14 It's--we're almost June. June, July, okay. So,</p> <p>15 you know, I would want to do that before the end</p> <p>16 of the year, because I want to try to pave this.</p> <p>17 ERIK BUEHMANN: Okay.</p> <p>18 MARK SANDERS: And, to do that, I got to</p> <p>19 get this cleared.</p> <p>20 ERIK BUEHMANN: So, all right, so this</p> <p>21 is interesting. So, this is interesting. So, you</p> <p>22 could have everything except for maybe this</p> <p>23 little piece by August 31st?</p> <p>24 MARK SANDERS: No, no. No, no, I said</p> <p>25 summer. I--it's [UNINTEL PHRASE]</p>
<p style="text-align: right;">Page 104</p> <p>1 BRAD MCCREA: Call it September 30th?</p> <p>2 MARK SANDERS: Huh?</p> <p>3 BRAD MCCREA: September 30th?</p> <p>4 MARK SANDERS: September 30th, yeah,</p> <p>5 that's the latest.</p> <p>6 ELLEN MIRAMONTES: That's exactly--</p> <p>7 MARK SANDERS: By that time, we could</p> <p>8 get rain and screw everything up, yes.</p> <p>9 [UNINTEL - VOICES OVERLAPPING]</p> <p>10 ELLEN MIRAMONTES: So, this area and</p> <p>11 this area, but not this area.</p> <p>12 MARK SANDERS: This one is going to be</p> <p>13 more problem, because that's tied to this, this</p> <p>14 whole area, which is the parking, the dry</p> <p>15 storage. See, I've got lockers there. I've got to</p> <p>16 move the lockers, pave, move the lockers back.</p> <p>17 This is a big hassle.</p> <p>18 ERIK BUEHMANN: Okay. So, when would you</p> <p>19 be able to do that? And, remember, you can--if,</p> <p>20 you know, some horrible catastrophe occurs, we</p> <p>21 would--you [UNINTEL] would come back to us and</p> <p>22 say--</p> <p>23 ADRIENNE KLEIN: "I need six more</p> <p>24 weeks." Yeah. Yeah.</p> <p>25 ERIK BUEHMANN: Yeah or something like</p>	<p style="text-align: right;">Page 105</p> <p>1 that. And that would be something we--a</p> <p>2 discussion we would have.</p> <p>3 MARK SANDERS: Well, my motivation is as</p> <p>4 soon as possible, of course, because--</p> <p>5 ERIK BUEHMANN: Can you give us a date</p> <p>6 so we can put it in the permit?</p> <p>7 MARK SANDERS: Man, I--what's been</p> <p>8 surprising me is materials. I hate to say it,</p> <p>9 but, you know, all of a sudden, on the peninsula,</p> <p>10 this construction is booming. And you want</p> <p>11 paving; they say, "What about September? What</p> <p>12 about October?" I don't know. I just don't know.</p> <p>13 BRAD MCCREA: You said just a moment ago</p> <p>14 at the end of the year.</p> <p>15 ELLEN MIRAMONTES: Is that comfortable</p> <p>16 for you?</p> <p>17 MARK SANDERS: I think that's--</p> <p>18 BRAD MCCREA: That's a starting date.</p> <p>19 MARK SANDERS: Well, you know, but going</p> <p>20 to Brad, September 30th, I might be lucky and get</p> <p>21 to October 30th with more room, but that'd be a</p> <p>22 lot of luck. Once it rains, you can't pave. And</p> <p>23 so, I would have to get that done before the rain</p> <p>24 starts. So, I would say a good target is October</p> <p>25 30th. But I have--</p>

<p style="text-align: right;">Page 106</p> <p>1           ERIK BUEHMANN: That's--</p> <p>2           MARK SANDERS: Yeah, and I just want to</p> <p>3 say, though, but I'm a little afraid, because I</p> <p>4 haven't asked anybody [UNINTEL] yet.</p> <p>5           ERIK BUEHMANN: Well, like I said, you</p> <p>6 know, if October 30th ends up being impossible,</p> <p>7 that's something you should come to us and</p> <p>8 discuss with us, you know?</p> <p>9           MARK SANDERS: Okay.</p> <p>10          ELLEN MIRAMONTES: Maybe it--so, for--</p> <p>11 perhaps it's just that--I don't know if we want</p> <p>12 to break it down further. There's Item J. And we</p> <p>13 would have to specify that leg, and make it down-</p> <p>14 -</p> <p>15          ERIK BUEHMANN: Yeah, let's specify.</p> <p>16 Maybe I'll make another one. I'll make an I, I,</p> <p>17 J--no, K. Make a K. And it'll have that western</p> <p>18 overlook, and it'll say by--and I'll structure it</p> <p>19 so it says, prior to--</p> <p>20          ELLEN MIRAMONTES: Eastern.</p> <p>21          ERIK BUEHMANN: September 30th, 2013--</p> <p>22          MARK SANDERS: The primary pathways.</p> <p>23          ERIK BUEHMANN: All of this stuff will</p> <p>24 be here, and then it'll say, except as for</p> <p>25 otherwise provided, prior to September 30th. And</p>	<p style="text-align: right;">Page 107</p> <p>1           then I'll have a section back here, K, that says</p> <p>2 the western overlook, you know, to the</p> <p>3 southwestern overlook.</p> <p>4           MARK SANDERS: Over--you need to say</p> <p>5 it's really the path and the overlook. You can</p> <p>6 say the remainder of the public access to the</p> <p>7 east will be completed before the end of the</p> <p>8 year. That'll give them--</p> <p>9           ERIK BUEHMANN: But I want to put a date</p> <p>10 on it so that we don't--you know, like--so--and--</p> <p>11          MARK SANDERS: Okay, so make it October</p> <p>12 30th.</p> <p>13          ERIK BUEHMANN: October 30th?</p> <p>14          MARK SANDERS: That's probably way too</p> <p>15 late to get it done, but.</p> <p>16          ERIK BUEHMANN: Well, if that happens,</p> <p>17 you should let us know.</p> <p>18          MARK SANDERS: I'll let you know, yeah.</p> <p>19          ERIK BUEHMANN: And we can handle it.</p> <p>20          ELLEN MIRAMONTES: Okay.</p> <p>21          ERIK BUEHMANN: We really want--I want</p> <p>22 to underscore, underscore, underscore: you should</p> <p>23 pick up the phone next week and start calling</p> <p>24 paving contractors to get them on your calendar,</p> <p>25 and--so that we can get this done.</p>
<p style="text-align: right;">Page 108</p> <p>1           ADRIENNE KLEIN: Signs manufacturers,</p> <p>2 [UNINTEL].</p> <p>3           MARK SANDERS: Well, I am currently</p> <p>4 working seven days a week. I have been for four</p> <p>5 years straight. It's not like I don't want to do</p> <p>6 this. But I've got to tell you, 60-70 hours</p> <p>7 weeks, for [UNINTEL] stuff. And so, I understand</p> <p>8 this is a really important priority. I'm trying</p> <p>9 to get this marina profitable. We're still losing</p> <p>10 money.</p> <p>11          ERIK BUEHMANN: Okay, then we understand</p> <p>12 each other.</p> <p>13          WOMAN: Yeah.</p> <p>14          ERIK BUEHMANN: Wow. I can't believe we</p> <p>15 just did that. Okay.</p> <p>16          MARK SANDERS: My apologies, but it's</p> <p>17 been a struggle.</p> <p>18          ERIK BUEHMANN: I know it has.</p> <p>19          MARK SANDERS: Okay, a couple of little</p> <p>20 things. I don't know if you caught these, Erik.</p> <p>21 But it just--should I go back and catch any more</p> <p>22 little rips?</p> <p>23          ERIK BUEHMANN: Well, we still haven't</p> <p>24 talked about the guest berth.</p> <p>25          MARK SANDERS: Okay, but that's going to</p>	<p style="text-align: right;">Page 109</p> <p>1           be a difficult one. I think these are--see, there</p> <p>2 was a couple of language--it says the permittee</p> <p>3 prefers not, for safety reasons, to open up this--</p> <p>4 -I have a formal letter from [UNINTEL], "You are</p> <p>5 to close this."</p> <p>6           ERIK BUEHMANN: I just thought I was</p> <p>7 expressing what you had told us, that we are--the</p> <p>8 safety concerns. And that--</p> <p>9           MARK SANDERS: Yeah--</p> <p>10          ERIK BUEHMANN: It wasn't, like, casting</p> <p>11 aspersions or anything. It was just making--</p> <p>12          MARK SANDERS: No, but--and then there</p> <p>13 was another one--yes.</p> <p>14          ERIK BUEHMANN: Yeah. But I can add</p> <p>15 language that says that the City--</p> <p>16          MARK SANDERS: [UNINTEL PHRASE] in</p> <p>17 accordance with [UNINTEL] City requirements.</p> <p>18          ERIK BUEHMANN: Yeah, that's fine.</p> <p>19          MARK SANDERS: And another one that</p> <p>20 says, after the fact--</p> <p>21          BRAD MCCREA: Are we on findings now?</p> <p>22          ERIK BUEHMANN: Yeah, yeah, I think</p> <p>23 we're talking about findings, right? Yeah.</p> <p>24          MARK SANDERS: There's another spot</p> <p>25 where it says, after the fact, Sanders--do you</p>

<p style="text-align: right;">Page 110</p> <p>1 realize that we're talking about the small riprap 2 in the failed area? We had a case like that. 3 BRAD MCCREA: Which part are you talking 4 about? 5 ERIK BUEHMANN: Over here. 6 ELLEN MIRAMONTES: [UNINTEL] authorized- 7 - 8 ERIK BUEHMANN: I mean in the-- 9 ELLEN MIRAMONTES: In the authorization 10 section? 11 ERIK BUEHMANN: Is this in the 12 authorization section or the findings? 13 MARK SANDERS: Yeah. 14 ELLEN MIRAMONTES: I think it's the 15 authorization. 16 ADRIENNE KLEIN: Can you--Mark, we had 17 understood--may I? 18 ERIK BUEHMANN: Yeah. 19 ADRIENNE KLEIN: I thought we had sort 20 of understood that the--what we'd gone through, 21 that they were--you know, that these were sort of 22 comments, but they weren't deal-breakers, your 23 comments on the findings. Is that true? 24 ERIK BUEHMANN: Oh. I don't remember if 25 that's [UNINTEL].</p>	<p style="text-align: right;">Page 111</p> <p>1 MARK SANDERS: The comments in the 2 findings? I'm not sure what you're referring to. 3 I'm looking for the spot I was talking about 4 where it says-- 5 ELLEN MIRAMONTES: But specific item or 6 comment? Is this it? 7 MARK SANDERS: It said the permittee, 8 after the fact, put in a different kind of riprap 9 in the failed area. 10 ERIK BUEHMANN: Is that in the findings, 11 it says that? 12 [UNINTEL - VOICES OVERLAPPING] 13 ADRIENNE KLEIN: Yeah, yeah, I know 14 where it is. 15 MARK SANDERS: And I wanted to point out 16 that, you know, we did go through the right 17 process [UNINTEL] Brad--I mean, [UNINTEL] was 18 aware of it. And all they did was put in a test 19 strip here with the--the failed area is still raw 20 mud. So, putting it down is--after the fact that 21 I did this, I haven't done it yet. 22 ERIK BUEHMANN: So, I'm sorry, where are 23 we at in this conversation? I kind of lost my 24 place here. 25 ELLEN MIRAMONTES: And I'm a bit</p>
<p style="text-align: right;">Page 112</p> <p>1 confused as well. 2 ERIK BUEHMANN: I'm going to go to the 3 findings and try to find what he was talking 4 about. 5 BRAD MCCREA: Do you have a page number, 6 Mark? 7 MARK SANDERS: You know what? I 8 apologize. 9 [UNINTEL - VOICES OVERLAPPING] 10 ADRIENNE KLEIN: Page 33. 11 MARK SANDERS: Okay. 12 ERIK BUEHMANN: 33 [UNINTEL] it was 13 probably the beginning. 14 [UNINTEL - VOICES OVERLAPPING] 15 MARK SANDERS: [UNINTEL PHRASE] some 16 aspersion that it just bothered me a lot. 17 ERIK BUEHMANN: Ah, here we go. Okay, 18 it's on Page 44, second paragraph, "modifies to 19 recognize that nine yards of cubic yards of small 20 rubber has been--rubble has been authorized." 21 ADRIENNE KLEIN: Where is it? I can't 22 find it. 23 MAN 1: Well, my second paragraph is 24 what he's reading. 25 ERIK BUEHMANN: Yeah.</p>	<p style="text-align: right;">Page 113</p> <p>1 ELLEN MIRAMONTES: It doesn't say it. 2 ERIK BUEHMANN: No, that's not--that 3 doesn't say anything. 4 [UNINTEL - VOICES OVERLAPPING] 5 ERIK BUEHMANN: Is it in another 6 amendment? 7 MARK SANDERS: No, it's in this one. Let 8 me go find it. 9 ELLEN MIRAMONTES: Let's go back to the 10 authorization. It might be there. 11 MARK SANDERS: Let's go on. 12 ADRIENNE KLEIN: Well, I know what he's 13 talking about. It's the buffer. It was the 14 mudway. 15 MARK SANDERS: It's where the mudway 16 happened, and they said, "Don't put any riprap on 17 it because it'll keep filling." 18 ADRIENNE KLEIN: And we've authorized 19 that and we're completely fine with that. 20 MARK SANDERS: Yeah. 21 ADRIENNE KLEIN: And all I meant to say, 22 Mark, was to just acknowledge that it happened 23 after the fact, which is-- 24 [UNINTEL - VOICES OVERLAPPING] 25 ADRIENNE KLEIN: Page 34, top of the</p>

<p style="text-align: right;">Page 114</p> <p>1 second—It's the very first paragraph. "Amendment 2 5 modified special provision to [UNINTEL] 3 recognize that 90 cubic yards of small rubble 4 riprap been authorized." 5 ERIK BUEHMANN: Has been authorized. 6 ADRIENNE KLEIN: Is that the concern, 7 Mark? 8 ELLEN MIRAMONTES: It doesn't say that. 9 ERIK BUEHMANN: It doesn't say that. 10 MARK SANDERS: No, no, that's not it. 11 Let's go on, you guys. 12 ERIK BUEHMANN: Well, you know, if you 13 find it later, you can give it to me. 14 MARK SANDERS: Yeah, yeah, yeah. Yeah. I 15 think you people--I think you thought I've 16 already placed the small riprap. I haven't. 17 ERIK BUEHMANN: No, I don't know--you 18 know. If you find it, [UNINTEL]. 19 ADRIENNE KLEIN: The 90 cubic yards is 20 already placed. 21 MARK SANDERS: No. 22 ADRIENNE KLEIN: But you fixed the 23 runway. 24 MARK SANDERS: No. It's still sitting 25 there.</p>	<p style="text-align: right;">Page 115</p> <p>1 ADRIENNE KLEIN: We looked at it last 2 night. 3 ERIK BUEHMANN: No, there was some 4 gravel. 5 MARK SANDERS: I can show you the 6 pictures. We put gravel in one spot because we 7 were working with UC Santa Cruz. They said the 8 only way you can protect from erosion and not put 9 additional-- 10 [UNINTEL - VOICES OVERLAPPING] 11 ADRIENNE KLEIN: That was my 12 misunderstanding. 13 ERIK BUEHMANN: Yeah, it's at--yeah, it 14 is-- 15 ADRIENNE KLEIN: It's in the 16 authorization section. 17 ERIK BUEHMANN: It's in the 18 authorization section. It says, "after the fact," 19 right here. 20 MARK SANDERS: What page? 21 ADRIENNE KLEIN: [UNINTEL PHRASE] 22 MARK SANDERS: Oh, okay. 23 [UNINTEL - VOICES OVERLAPPING] 24 ERIK BUEHMANN: 10, Page 10. Or Page 2, 25 Number 10.</p>
<p style="text-align: right;">Page 116</p> <p>1 ADRIENNE KLEIN: Number 10. 2 ERIK BUEHMANN: Yeah, at the end. Jusr 3 before it says Number 5. 4 ELLEN MIRAMONTES: We just strike that 5 through? 6 ADRIENNE KLEIN: But something happened 7 without a permit. 8 MARK SANDERS: What? 9 ADRIENNE KLEIN: So, this is-- 10 MARK SANDERS: What was it that happened 11 without a permit? 12 ERIK BUEHMANN: You dumped some gravel 13 on the beach. 14 MARK SANDERS: We did--in concert with 15 the Army Corps of Engineers, University of Santa 16 Cruz, we did a test to see if [UNINTEL] was 17 still-- 18 ERIK BUEHMANN: You needed a permit, 19 though. 20 MARK SANDERS: But I would've thought, 21 if-- 22 ELLEN MIRAMONTES: But it wasn't the 90 23 cubic yards per. 24 ADRIENNE KLEIN: I thought it was. 25 MARK SANDERS: Steve McCannon was part</p>	<p style="text-align: right;">Page 117</p> <p>1 of it. He was involved with it. That's the thing. 2 I mean, we were friends. 3 ERIK BUEHMANN: So, you want us to take 4 off, "after the fact." 5 MARK SANDERS: It's an aspersion, you 6 guys. I mean, we were terrified, "What if the 7 whole thing fails?" 8 ERIK BUEHMANN: Is that okay with you, 9 Brad? 10 BRAD MCCREA: It's fine with me. 11 MARK SANDERS: We were desperate to do 12 something. 13 MAN 1: Brad and Amy, is that something 14 that he could have gotten a region-wide permit 15 for, Region-wide permit? 16 BRAD MCCREA: [UNINTEL PHRASE] 17 ADRIENNE KLEIN: But what's the total 18 cubic yardage? 19 BRAD MCCREA: I think it could've been 20 something [UNINTEL]. 21 ADRIENNE KLEIN: Between what you've 22 done and what you're planning? 23 MARK SANDERS: Oh, what we've done? 24 We've done a truckload, maybe eight yards. I mean 25 it was just a test.</p>

<p style="text-align: right;">Page 118</p> <p>1 ADRIENNE KLEIN: And you're--</p> <p>2 MARK SANDERS: It would take 90 yards</p> <p>3 to--</p> <p>4 ADRIENNE KLEIN: On top of it. So, it</p> <p>5 should [UNINTEL]--</p> <p>6 MARK SANDERS: [UNINTEL PHRASE] of</p> <p>7 riprap. Fortunately, it's behind the dock, so</p> <p>8 [UNINTEL PHRASE]--</p> <p>9 ERIK BUEHMANN: So, yeah, shall we just</p> <p>10 change it to 100 cubic yards of small riprap, to</p> <p>11 incorporate both the stuff that you did--and we</p> <p>12 don't have to put "after the fact" in there, but</p> <p>13 the stuff that you did and the--what you're</p> <p>14 planning to do?</p> <p>15 BRAD MCCREA: Yeah, let's just bump it</p> <p>16 out, because you have authorization [UNINTEL</p> <p>17 PHRASE].</p> <p>18 ERIK BUEHMANN: Yeah, [UNINTEL]</p> <p>19 authorized [UNINTEL]. I mean, yeah. So, change 90</p> <p>20 to 100 to account for the whole [UNINTEL] and</p> <p>21 delete "after the fact."</p> <p>22 BRAD MCCREA: [UNINTEL PHRASE]</p> <p>23 ERIK BUEHMANN: Okay.</p> <p>24 ADRIENNE KLEIN: And, in a few places</p> <p>25 there are, because there's this [UNINTEL]</p>	<p style="text-align: right;">Page 119</p> <p>1 shoreline protection condition.</p> <p>2 ERIK BUEHMANN: Yeah, I will--and then</p> <p>3 there's also a finding. There's also a finding.</p> <p>4 ADRIENNE KLEIN: [UNINTEL] that one</p> <p>5 [UNINTEL].</p> <p>6 MARK SANDERS: Okay. Okay.</p> <p>7 BRAD MCCREA: Okay, you guys, I have</p> <p>8 just a few more minutes, because I have a 2:30</p> <p>9 and I have a couple of things I need to get done.</p> <p>10 ERIK BUEHMANN: Can we talk about the</p> <p>11 guest berth? Because this is a big thing. And</p> <p>12 then you can--</p> <p>13 BRAD MCCREA: Sure. Sure.</p> <p>14 ERIK BUEHMANN: Then we've done a lot,</p> <p>15 so.</p> <p>16 BRAD MCCREA: Sure.</p> <p>17 ERIK BUEHMANN: So, the guest berth is--</p> <p>18 so, let's look at the condition. It's on Page--</p> <p>19 ADRIENNE KLEIN: 12, Number 14.</p> <p>20 ERIK BUEHMANN: Yeah. So, before this</p> <p>21 amendment--and I'll wait till you get there.</p> <p>22 Okay. 12, Number 14, [UNINTEL] bottom of the</p> <p>23 page. Before this Amendment Number 5, this said,</p> <p>24 "docks open to the public." The marina docks, as</p> <p>25 before the amendment, shall remain open during</p>
<p style="text-align: right;">Page 120</p> <p>1 daylight hours to the public for viewing of the</p> <p>2 marina, boatyard operations, and surrounding</p> <p>3 habitat. And that's all it said.</p> <p>4 And so, when we read this--and I think</p> <p>5 there's also a finding--it makes it sound like</p> <p>6 all of these slips are open to the public to walk</p> <p>7 on. Now, that may have been what the permit</p> <p>8 intended, but I think we're all agreed that</p> <p>9 that's--that we aren't going to require you to</p> <p>10 have all of the slips open for the public to just</p> <p>11 walk out on. Okay?</p> <p>12 BRAD MCCREA: And that's an important</p> <p>13 distinction. I mean, what that was basically</p> <p>14 saying is that, at one point, when [UNINTEL] was</p> <p>15 originally authorized, that was the intention,</p> <p>16 was that there would be no gates, and that the</p> <p>17 public would just be able to walk the docks, you</p> <p>18 know, just like any tiny marina. But this is not</p> <p>19 where we are today.</p> <p>20 ERIK BUEHMANN: Yeah.</p> <p>21 BRAD MCCREA: And so, we are open to</p> <p>22 changing it. But I just want to acknowledge that</p> <p>23 we're changing it from the original intent, so.</p> <p>24 ERIK BUEHMANN: So, what we want to do</p> <p>25 is allow for the guest berths, which is guest</p>	<p style="text-align: right;">Page 121</p> <p>1 dock, which is over here, right, would be--we</p> <p>2 want people to be able to get out over the water.</p> <p>3 So, we want people to be out on the water. And we</p> <p>4 understand that there are insurance issues and</p> <p>5 things like that about that. So, now we need to</p> <p>6 find a way to make that work.</p> <p>7 And so, the amendment was kind of</p> <p>8 giving you a little more control over it, in a</p> <p>9 way that we don't actually like very much. But,</p> <p>10 you know, like, by allowing them--people to come</p> <p>11 out to the--requiring people to go through the</p> <p>12 "reasonable rules and restrictions" condition of</p> <p>13 the permit, to go up to the harbormaster</p> <p>14 building, and, like, sign in or something, or</p> <p>15 say, "Hey, I'm here."</p> <p>16 WOMAN 1: Am I right that, once the</p> <p>17 retail space is built out and there's a</p> <p>18 restaurant, people from the restaurant will have</p> <p>19 easy access to the [UNINTEL] on that dock,</p> <p>20 correct?</p> <p>21 MARK SANDERS: No.</p> <p>22 WOMAN 1: No?</p> <p>23 MARK SANDERS: No.</p> <p>24 WOMAN 1: Oh, okay.</p> <p>25 ERIK BUEHMANN: Because that's a good</p>



1 point, because that's I think what Kevin  
2 suggested a while ago. And so, we were thinking  
3 about that, too. And so, we want to find a way--  
4 like a solution to that.

5 MARK SANDERS: So, let me--and John had  
6 some suggestions last time, too. Let me tell you  
7 my perspective for a minute. So, when I  
8 presented, and actually requested the guest dock,  
9 it was called a transient dock. And I wanted  
10 1,000 feet.

11 And the PowerPoint presentation to the  
12 Commission was there's no guest docks left in the  
13 South Bay. And there's 200 clubs that have annual  
14 [UNINTEL] at various marinas. They used go to  
15 Palo Alto; they used to go to [UNINTEL] Park.  
16 They used to go to [AL BUSO?] in [PEACH?] Harbor.  
17 There's no place anymore. So, I wanted to fix  
18 that.

19 And I had planned 1,000 feet of guest  
20 dock. And I actually--Department of Boating and  
21 Waterways, they said to me, they said, "Well, why  
22 do you got to call it transient? Transient has  
23 this negative connotation." So, I insisted on  
24 "guest." And the idea is the guest dock in front  
25 of the yacht club, which normally sponsors these

1 cruisings, and the restaurant so people could  
2 sail down, tie up like you can at [SAM'S?], and  
3 get on, go up, do what they want to do, and then  
4 sail away. And that's what was presented.

5 Now, knowing we wanted to have people  
6 be able to look at the boats, that's a good  
7 thing, that's why we built the observation deck  
8 at the top of every gangway. Most marinas don't  
9 have that. We have a 15-by-15-foot deck with  
10 handrails so people can observe.

11 And that's the way that walking on the  
12 docks and getting on the boats, which is what  
13 happens--we actually had some kids last week get  
14 on the dock, untie a boat, and shove it out. It's  
15 crazy.

16 BRAD MCCREA: How did they get out  
17 there?

18 MARK SANDERS: Huh? They walked right  
19 through the gates. The climb over the gates. I  
20 had spikes on the gates; they climbed right over  
21 it. Last week, we had a car with four kids and  
22 two pistols putting beer cans on the paths,  
23 shooting the beer cans into the harbor.

24 BRAD MCCREA: Wow.

25 MARK SANDERS: And we keep talking

1 about--we have--we are two miles through an  
2 industrial area of shredders. There is no public  
3 out there. We have one or two people a week that  
4 walk out there, mostly from the industrial park.  
5 So, it's kind of a moot point.

6 But, you know, I'm--we did build the  
7 observation decks. I did check on the maritime  
8 law. I talked to--her name is [MILLIE WYATT?].  
9 She's quite well known.

10 And it turns out that maritime walk  
11 never trumps state law, except--I'm sorry,  
12 federal law doesn't trump state law except in  
13 admiralty and maritime law. It's in the  
14 Constitution. It says maritime law always  
15 overrides state law, number one. Number two,  
16 maritime courts may be tried in the state, but  
17 they must use federal law. That's the first  
18 point.

19 Second point they talk about is that  
20 there's many protections for public access onto  
21 private property, with permission or without,  
22 which protects the landowner. Maritime law is  
23 different. Maritime law, and I'll read it to you,  
24 they have this thing of shared responsibility.  
25 And basically, if you walk out on a dock, there's

1 no handrails, there's hoses, there's power cords,  
2 there's cleats, is that--the way they define it  
3 is an inherently dangerous place to be.

4 And so, you--the only--it's the onus of  
5 the owner to prevent people from putting  
6 themselves in harm's way. And that's why  
7 virtually all private marinas in the country have  
8 locked gates.

9 I talked to the Coastal Commission  
10 about that. And they said yes, and they gave me  
11 the citation that says, if an agency requires  
12 private property to be open to the public, and  
13 there's danger, especially over the water, it  
14 says the agency must assume responsibility for  
15 the liability.

16 ELLEN MIRAMONTES: The agency?

17 MARK SANDERS: That's right.

18 ELLEN MIRAMONTES: [UNINTEL PHRASE]

19 MARK SANDERS: Which is why the old  
20 marina at Sausalito, [UNINTEL]'s place, which is  
21 owned by the City, and the City requires him to  
22 keep those docks open. It's one of the three that  
23 have open docks. The City has assumed the  
24 responsibility--the liability. He has no  
25 liability if somebody drowns. We've had three

1 people drown in the bay in the last month. Do you  
2 realize that?

3 ELLEN MIRAMONTES: No, I didn't know  
4 there were so many.

5 MARK SANDERS: And most--[UNINTEL  
6 PHRASE] one at Clipper Cove, one at [DOCKTOWN?]  
7 last week [UNINTEL] the City, and one up in the  
8 Alameda Estuary. Here's the weird thing. This  
9 goes back--this is really good for you now. It  
10 goes back to fishing and swimming in the harbor.

11 ERIK BUEHMANN: Right.

12 MARK SANDERS: Boats are wired different  
13 than houses. In houses, if you get shocked, it  
14 goes into the ground. On boats, it goes into the  
15 water. 25 percent of all boats have dangerous  
16 levels of leakage into the water.

17 ELLEN MIRAMONTES: Electrical leakage.

18 MARK SANDERS: Electrical. We've tested  
19 the boats in our harbor; we had 10 boats--and 500  
20 milliamps is considered lethal. We had 10 boats  
21 with more than five amps into the water, which is  
22 why all divers disconnect the boats before they  
23 work on them.

24 Most [UNINTEL] in harbors are because  
25 of electrocution. There was one in the Midwest

1 last month. Four people drowned. A kid drowned,  
2 got--he was electrocuted. Somebody jumped into  
3 save him. He got electrocuted. Four people in a  
4 row. That's why swimming in harbors and fishing,  
5 because a salt--a fishing line in salt water is a  
6 wire. That's why fishing and swimming in harbors  
7 is always forbidden. It's a--I mean, it's the  
8 most common way to die in a marina.

9 ERIK BUEHMANN: Right.

10 MARK SANDERS: And so, being on docks is  
11 very, very dangerous. And you can't put up  
12 handrails. And over the water [UNINTEL] maritime  
13 law, I've talked to three insurance underwriters  
14 that do marinas. They say, "Absolutely, we will  
15 not accept--you will not get insurance from us,  
16 period."

17 BRAD MCCREA: I got to interject, only  
18 because I need to go soon. There are two docks at  
19 your marina, here and here. We've been talking  
20 internally about, wouldn't it be great--you can,  
21 you know, close this one, lock it up, do whatever  
22 you need to do. But wouldn't it be great to get  
23 access to this one? What would be a proposal  
24 where the public would be willing--would be able  
25 to get down and just walk the dock?

1 And I'm thinking this happens to line  
2 up with the trail that, you know, someday we'll  
3 do that. And so, it just seems like, you know,  
4 for those of us who like docks, when this is all  
5 built out, this will be a really special place.  
6 And the ability to get down and walk on the dock  
7 seems valuable.

8 We've given up this dock, that dock,  
9 that dock, that dock, and all of the rest of  
10 them. And, you know, the gas dock, sure, you  
11 might be able to go down to, but a gas dock is  
12 not a very pleasant place to be because, well,  
13 it's a gas station.

14 This would be actually a wonderful  
15 place to be. And so, it's our desire to see the  
16 public able to get down there without having to  
17 walk around and come up and show somebody at the  
18 harbormaster building their driver's license. How  
19 can we get there?

20 MARK SANDERS: BCDC simply has to write  
21 a letter saying, "We'll accept all liability and  
22 responsibility, in accordance with California  
23 law, for any injuries." The problem with docks is  
24 they're 18 inches off the water. When you fall in  
25 the water, you can't climb back out. You can't.

1 It's why people drown. And there's going to be  
2 boats there, people are going to fall in.

3 And I want to make a safe, great  
4 harbor, and I want people to look at the boats.  
5 But that does not--it never was intended to  
6 include walking on the docks. And to put me in a  
7 position where I can't be competitive against  
8 other marinas--because virtually no--I mean, you  
9 can count on one hand the marinas in Northern  
10 California that let anybody on any docks.

11 ERIK BUEHMANN: Kevin had mentioned  
12 that--I mean, this goes against what you  
13 discussed with, I guess, Adrienne, or was that in  
14 the agreement before, about the harbormaster  
15 check-in? No, that was [UNINTEL].

16 MARK SANDERS: No, that was an idea  
17 [UNINTEL].

18 ERIK BUEHMANN: I see. All right. So,  
19 can you--Kevin, last time, threw out, you know,  
20 when one of these buildings comes online, then  
21 it'll be able to be managed. And it might be  
22 available then.

23 WOMAN 1: Can you require a tenant in  
24 this building or this building, regarding what  
25 they are, to have an on-site person down on the

<p style="text-align: right;">Page 130</p> <p>1 dock 20--well, I guess [UNINTEL]?</p> <p>2 MARK SANDERS: You guys, I really did a</p> <p>3 lot of research on this. And here's what--so, I</p> <p>4 talked to the MLA Corporate Counsel on this,</p> <p>5 because he advises all marinas in our area. I</p> <p>6 went to the national [UNINTEL] international</p> <p>7 association of maritime businesses. And they said</p> <p>8 the same thing. They said, "Look, for tenants and</p> <p>9 their guests," they said, "Maritime law is</p> <p>10 different. You have a contract. The only</p> <p>11 protection is the contract."</p> <p>12 The reason I talked to them most</p> <p>13 recently is I wanted to put in safety ladders so,</p> <p>14 if somebody does fall in, they can climb out. And</p> <p>15 [UNINTEL] saying, "No, don't do that. You</p> <p>16 increase your liability." I said, "How is that</p> <p>17 possible?" They said, "Because then it's a</p> <p>18 recognition that you have responsibility for</p> <p>19 somebody's safety. And it's inviting for them to</p> <p>20 walk in. If they walk in and they're not closer</p> <p>21 to a ladder and they drown, you have now some</p> <p>22 shared responsibility."</p> <p>23 ELLEN MIRAMONTES: That's a shame.</p> <p>24 [UNINTEL - VOICES OVERLAPPING]</p> <p>25 ELLEN MIRAMONTES: What a thought</p>	<p style="text-align: right;">Page 131</p> <p>1 process.</p> <p>2 MARK SANDERS: So, I'm fighting that, by</p> <p>3 the way, because I want to put ladders in,</p> <p>4 because I've fallen in twice.</p> <p>5 ERIK BUEHMANN: [UNINTEL]</p> <p>6 ELLEN MIRAMONTES: Yeah, it is.</p> <p>7 MARK SANDERS: But here's what he said.</p> <p>8 He says, "Your contract"--by the way, I brought</p> <p>9 you guys copies, because we've updated it. "Your</p> <p>10 harbor rules and regs have specifics on members</p> <p>11 and guests. And they have to sign it. And that's</p> <p>12 your protection for people on the docks."</p> <p>13 ADRIENNE KLEIN: [UNINTEL] that was</p> <p>14 exactly the idea behind the way that the permit</p> <p>15 condition is drafted now, that you're [UNINTEL]--</p> <p>16 MARK SANDERS: But, if somebody wants to</p> <p>17 talk on the dock--</p> <p>18 ADRIENNE KLEIN: Essentially, you know,</p> <p>19 they'd be a non-paying member guest [UNINTEL].</p> <p>20 MARK SANDERS: But they have to read</p> <p>21 this whole thing and sign on all these various--</p> <p>22 they're not going to do it.</p> <p>23 WOMAN 1: [UNINTEL PHRASE]</p> <p>24 [UNINTEL - VOICES OVERLAPPING]</p> <p>25 WOMAN 1: But you could also have a</p>
<p style="text-align: right;">Page 132</p> <p>1 sign.</p> <p>2 MARK SANDERS: This is [UNINTEL PHRASE].</p> <p>3 WOMAN 1: But you could have a sign in</p> <p>4 the parking lot notifying the public of that they</p> <p>5 are assuming partial liability. And, as I</p> <p>6 understand it in my [UNINTEL] education, maritime</p> <p>7 law and admiralty, you always have a duty to make</p> <p>8 docks as safe as possible, even if it's not open</p> <p>9 to the public. So, I mean--</p> <p>10 MARK SANDERS: That's my intuitive</p> <p>11 feeling.</p> <p>12 WOMAN 1: I think, in regards to</p> <p>13 specifically public access and the docks, it's</p> <p>14 not completely trumped by federal law. It is</p> <p>15 dictated a lot by California law in that case,</p> <p>16 because it is docks.</p> <p>17 MARK SANDERS: [UNINTEL]?</p> <p>18 WOMAN 1: Usually--</p> <p>19 ELLEN MIRAMONTES: Docks.</p> <p>20 WOMAN 1: Because the docks. Usually, in</p> <p>21 maritime law, it's federal law when you're</p> <p>22 talking about things that happen out on the</p> <p>23 water.</p> <p>24 ELLEN MIRAMONTES: Navigation.</p> <p>25 WOMAN 1: Yes</p>	<p style="text-align: right;">Page 133</p> <p>1 ELLEN MIRAMONTES: Navigation.</p> <p>2 [UNINTEL - VOICES OVERLAPPING]</p> <p>3 ELLEN MIRAMONTES: [UNINTEL] stationary.</p> <p>4 WOMAN 1: Yeah, like most issues of</p> <p>5 [UNINTEL] compensation will be dealt with</p> <p>6 [UNINTEL].</p> <p>7 [UNINTEL - VOICES OVERLAPPING]</p> <p>8 ERIK BUEHMANN: What about the idea of</p> <p>9 just posting a sign that says you accept</p> <p>10 responsibility for--or liability for using this</p> <p>11 dock, or whatever the signs say?</p> <p>12 MARK SANDERS: So, you guys, there are</p> <p>13 three--</p> <p>14 [UNINTEL - VOICES OVERLAPPING]</p> <p>15 ELLEN MIRAMONTES: But there [UNINTEL]</p> <p>16 people can sign away their liability, can they?</p> <p>17 MARK SANDERS: They can't. I've talked</p> <p>18 to three--</p> <p>19 MAN 1: [UNINTEL] do it all the time.</p> <p>20 ADRIENNE KLEIN: I know, but that's a</p> <p>21 whole different [UNINTEL].</p> <p>22 MAN 1: [UNINTEL PHRASE] Go through Napa</p> <p>23 County and take a [UNINTEL]. What do you have to</p> <p>24 sign before they let you on [UNINTEL]?</p> <p>25 ERIK BUEHMANN: I wasn't talking about</p>

<p style="text-align: right;">Page 134</p> <p>1 signing something. I'm talking about having a 2 sign that says-- 3 MAN 1: That's another thing [UNINTEL]. 4 ERIK BUEHMANN: "Entry past this point 5 waives the landlord's"-- 6 MAN 1: You assume the risk of any-- 7 ERIK BUEHMANN: So, Mark, how about with 8 regard to, like, other marinas? I mean, we have 9 other marinas all around the bay that have public 10 docks that would-- 11 MARK SANDERS: Name them. 12 ERIK BUEHMANN: Port of Oakland. 13 MARK SANDERS: Port of Oakland? 14 ADRIENNE KLEIN: [UNINTEL PHRASE] 15 MARK SANDERS: Yeah, there's--I've been 16 to--I was talking to ERIK BUEHMANN: about this. I 17 went over there. And I actually went down, and 18 there is a three-slip public dock, right there at 19 Jack London Square. There's three boats, 20 relatively permanently moored there. And there-- 21 and, by the way, that was a requirement. The 22 owner [UNINTEL] Marina that operates it, Randy 23 [UNINTEL], I know him well, we've talked about 24 it. One boat sells drugs. One boat comes early in 25 the morning and leaves [UNINTEL].</p>	<p style="text-align: right;">Page 135</p> <p>1 BRAD MCCREA: You're talking about 2 problems. I'm talking about whether or not--how 3 do we get around the liability question? 4 MARK SANDERS: The Port of Oakland 5 apparently takes the liability, because they're 6 leasing it, and the Port enforces it. It's the 7 same in Port of San Diego. There's a couple of 8 public docks where the City has asked for that, 9 and the City assumed the liability for it. 10 ADRIENNE KLEIN: What about the Bay 11 Trail? I mean the Water Trail? 12 ELLEN MIRAMONTES: They do not own 13 property, the Water Trail. So, it's all the 14 property owners take on all liability. 15 BRAD MCCREA: What about John [UNINTEL]? 16 Do we have a requirement that he has a public 17 dock down on the water? 18 ADRIENNE KLEIN: I don't--no. He just 19 has open docks. 20 MARK SANDERS: Does he have--does he-- 21 BRAD MCCREA: What about South Beach 22 Harbor? 23 MARK SANDERS: Huh? 24 BRAD MCCREA: What about South Beach 25 Harbor?</p>
<p style="text-align: right;">Page 136</p> <p>1 MARK SANDERS: South Beach-- 2 ADRIENNE KLEIN: But the point is, Brad, 3 that it's a whole marina, and you can walk out 4 on--you can walk around the pelican building. 5 It's open. It's [UNINTEL]. 6 MAN: [UNINTEL] down to the docks. 7 [UNINTEL - VOICES OVERLAPPING] 8 MARK SANDERS: There is one long dock, 9 which is open, where the ferry comes and goes, 10 and there's businesses there that take people out 11 on excursions and stuff like that. It's the only 12 open dock at--and it's directly--I talked to the 13 harbormaster. It's in direct view of the harbor 14 office. They can see people coming and going. 15 There's one--there are three boats in Jack London 16 Square [UNINTEL]. 17 ADRIENNE KLEIN: There's [UNINTEL]-- 18 [UNINTEL - VOICES OVERLAPPING] 19 MARK SANDERS: I have [UNINTEL] the 20 water, so I have the liability. And, on the 21 Maritime Walk, [UNINTEL] exactly what, you know, 22 the boats will have been-- 23 [UNINTEL - VOICES OVERLAPPING] 24 BRAD MCCREA: How many other [UNINTEL] 25 the other marinas around the bay?</p>	<p style="text-align: right;">Page 137</p> <p>1 MARK SANDERS: I gave you guys a list. 2 [UNINTEL - VOICES OVERLAPPING] 3 JOHN BOWERS: This distinction between 4 public and private ownership is meaningless. The 5 South Beach Marina is a corporation. They're a 6 private corporation. They lease that land from 7 the City and County, from the Port of San 8 Francisco. They are the ones who, if there's any 9 liability out there, it is--they are the ones who 10 are subject to it. And they have whatever insured 11 protection they have with that public dock. 12 Right? 13 MARK SANDERS: I'm not a lawyer, so I'm 14 not going to argue with you. But I did talk to 15 two--there's two lawyers for the one organization 16 and one for ours. And they both were--they said, 17 "This is a very, very common question." They 18 said, "You're a private owner. You don't dare." 19 I talked to the three insurance 20 companies that insure most of the marinas in 21 [UNINTEL], and they specifically said, "We will 22 not insure you if you have your docks open to the 23 public." They said, "Open to the boarders, 24 because they sign a contract, yes. And is the 25 contract they take responsibility for their</p>

1 guests? Yes."

2 But the open public? The maritime  
3 interpretation is docks and harbors are  
4 inherently dangerous, that you can't practically  
5 put up lifelines and the normal protections for  
6 people that don't know anything about boating.

7 ADRIENNE KLEIN: Why is the marina--  
8 sorry, John.

9 JOHN BOWERS: I mean, there are lots of  
10 inherently dangerous activities that people  
11 engage in freely and openly and commonly. And  
12 that's why lawyers have assumption of risk forms  
13 that people have to sign, waivers of liability  
14 forms that people have to sign, right? That kind  
15 of stuff goes on all the time.

16 Plus, in California--and this is not  
17 preempted by maritime law--we have statutory  
18 immunity, Civil Code Section 846. And I mentioned  
19 that to you, and I--

20 MARK SANDERS: And I looked it up. I  
21 talked to [UNINTEL] agree with you, by the way.

22 JOHN BOWERS: And I gave you--I know--  
23 listen, I worked for the Coastal Commission for  
24 20 years, Mark. I know what their law says.  
25 That's a different law. That doesn't apply here

1 in San Francisco Bay. That's a matter of statute.  
2 That's--you know, they have special rules when  
3 the Coastal Commission is involved. It doesn't  
4 apply [UNINTEL].

5 MARK SANDERS: Well, John, if that's the  
6 case then, since there's no real risk, why won't  
7 BCDC send me a letter saying, "We assume all  
8 responsibility for the public on those docks"?  
9 Then I'm okay. If there's no risk, there's no  
10 risk for you either.

11 ERIK BUEHMANN: No. That's--

12 ALEX: Because we have no property  
13 interest in that private [UNINTEL].

14 ERIK BUEHMANN: Hang on. Hang on, Alex.  
15 Hang on.

16 MARK SANDERS: But you're trying to  
17 force me--the best counsel I've got, well known  
18 maritime attorneys, the top insurance companies  
19 are saying, "Absolutely not." And you're saying,  
20 "Well, they're wrong."

21 JOHN BOWERS: I gave you a booklet on  
22 landowner liability that was published by the Bay  
23 Planning Coalition back in the 1980s. Everything  
24 that that booklet says is still good law. Nothing  
25 has changed since the 1980s. Now, those guys, you

1 know--

2 MARK SANDERS: I'm a member of the Bay  
3 Planning Coalition. [UNINTEL PHRASE]

4 JOHN BOWERS: Bay Planning Commission,  
5 you go to their meetings, right?

6 MARK SANDERS: I do. I do.

7 JOHN BOWERS: Okay. They're--you know,  
8 if you don't take my word for it, take their word  
9 for it. Read it. Read that book. That explains  
10 how--the extent to which private property owners  
11 who are subject to public access requirements  
12 that we impose on you are subject to liability.

13 MARK SANDERS: Let's come at it from a  
14 different way, rather than argue it on the  
15 legality of it, because I'm not prepared to do  
16 that and I'm not equipped to do that. I do have  
17 the documentation for the presentation, when I  
18 petitioned for the right to install transient  
19 guest docks. It's very clear what I was asking  
20 for, and that was granted.

21 Now, I understand how somebody would  
22 say, "Wow, this is"--and, by the way, the  
23 language--the nomenclature was changed to  
24 "public"; we never said "transient." And so, I  
25 can understand why somebody would read this 12

1 years later and say, "Wow, this means the public  
2 can walk on the docks." That was never, ever the  
3 intention. There is no harbor installed in the  
4 last 50 years in the Bay that has public docks.

5 BRAD MCCREA: Erik, do we have any  
6 language in this permit that requires access on  
7 the docks?

8 ERIK BUEHMANN: So, that's what this is  
9 saying. And you signed [UNINTEL PHRASE] it's on  
10 Page 12. 13.

11 ADRIENNE KLEIN: Page 12, Number 14.

12 MARK SANDERS: No, I did, [UNINTEL  
13 PHRASE] the dock. [UNINTEL PHRASE]

14 ERIK BUEHMANN: So, that's--well,  
15 that's--so, this is where we're kind of talking  
16 about, is we agreed to something that's way more--  
17 that you would not want to actually--we agreed  
18 to something that we're willing to change, which  
19 is to--you agreed to have people walk out on  
20 these slips.

21 MARK SANDERS: But that's not true,  
22 Erik. I agreed [UNINTEL PHRASE] the docks.

23 ERIK BUEHMANN: But legally, the way  
24 this is written, and the version that you had  
25 signed earlier, that says that. And so, we're

<p style="text-align: right;">Page 142</p> <p>1 proposing to change it. It doesn't matter--if you 2 don't want to do it, that's okay. 3 WOMAN: [UNINTEL PHRASE] 4 ERIK BUEHMANN: But we want to do 5 something more manageable than that, because we 6 understand your point of view, right? 7 MARK SANDERS: But-- 8 ERIK BUEHMANN: So, like, you know, 9 like, what you're saying makes sense to me. But, 10 you know, that's just the situation we're in, 11 where the actual condition requires something 12 that you--and you know, [UNINTEL] that you signed 13 that you don't want to do. So, like, you know, 14 what-- 15 WOMAN: Trying to get [UNINTEL PHRASE] 16 ERIK BUEHMANN: [UNINTEL PHRASE] 17 MARK SANDERS: [UNINTEL PHRASE] we 18 disagree on the interpretation of what the permit 19 said. I believe I can prove what the intention 20 was. But, you guys, I can't get insurance, and I 21 can't accept the liability, so I don't see any 22 way to allow people off the street to walk on the 23 docks unintended by somebody who signed a 24 contract that says, "I understand the liability." 25 I just don't see how. And I don't know [UNINTEL]-</p>	<p style="text-align: right;">Page 143</p> <p>1 - 2 ADRIENNE KLEIN: How is that different 3 than your marina tenants? 4 MARK SANDERS: Pardon me? 5 ADRIENNE KLEIN: How is it different 6 than your marina tenants who spend, in order 7 [UNINTEL]-- 8 MARK SANDERS: They all signed a 9 contract that-- 10 ADRIENNE KLEIN: But that's our 11 proposal, the way the language is crafted now. 12 That's exactly our proposal, to accommodate 13 exactly that concern. 14 MARK SANDERS: You--if you read the 15 contract, and the rules--the rules and regs, by 16 the way, are an attachment to the contract-- 17 you're talking 24 pages, signatures or initials 18 in like 15 places. 19 ADRIENNE KLEIN: Okay, they sign it, and 20 you're relieved of liability. 21 BRAD MCCREA: I don't want to [UNINTEL] 22 sign a contract to use a public access area, 23 Adrienne. That's [UNINTEL]. 24 MARK SANDERS: [UNINTEL PHRASE] 25 BRAD MCCREA: That's not--and it's not</p>
<p style="text-align: right;">Page 144</p> <p>1 fair to the general public. 2 WOMAN 1: It seems-- 3 ADRIENNE KLEIN: Well, that was 4 generated after a lot of calls with the 5 Department of Boating and Waterways, [UNINTEL] 6 the Coastal Commission, [UNINTEL PHRASE]. I mean, 7 Mark and I have been talking about this for two 8 years, so. 9 WOMAN 1: But it seems like a still 10 sign--I mean, couldn't you handle it with a still 11 in-place sign? 12 ADRIENNE KLEIN: Right, there's the 13 [UNINTEL]. That's the alternate [UNINTEL]. 14 WOMAN 1: An advisory, whatever, you 15 know, the language is, advisory, and-- 16 JOHN BOWERS: Entrance into this area is 17 a voluntary action under which the entrant 18 assumes all risk of liability. 19 [UNINTEL - VOICES OVERLAPPING] 20 ERIK BUEHMANN: So, here's where we are. 21 We have solved every problem in the permit, 22 except-- 23 BRAD MCCREA: It's pretty amazing. 24 ERIK BUEHMANN: We want this open and 25 available to the public.</p>	<p style="text-align: right;">Page 145</p> <p>1 ADRIENNE KLEIN: So, it would be a 2 change to say a single guest berth dock, not "the 3 guest berth docks." 4 ERIK BUEHMANN: Yeah. That would be a 5 change. 6 MARK SANDERS: Well, it would be a 7 change in how you've interpreted it, yes. I 8 believe it's going to change them all, but. And I 9 did send to you, by the way, the letters from the 10 two top security people who manage securities in 11 marinas, who said it would be completely 12 negligent for me to have-- 13 ERIK BUEHMANN: So, I think where we're 14 at is there's one of two things, Mark. One, we're 15 either going to go back to the marina docks shall 16 remain open, which means all the marina docks, or 17 we're talking about opening this one up. And we 18 can--we will change the permit, and we'll send it 19 to you next week, and you can decide whether you 20 want to sign it or not. 21 MARK SANDERS: Well-- 22 WOMAN: [UNINTEL] constraint. 23 MARK SANDERS: The next step would be 24 then you go to the Commission, correct? There's a 25 commission that reviews enforcement actions.</p>

1 ERIK BUEHMANN: John and Adrienne can  
2 spell out that process.

3 MARK SANDERS: Okay. But I think that's-  
4 -I talked to our attorneys yesterday, and I said  
5 I thought that this was going to happen. And he  
6 said, yeah, you should go to the next step on  
7 this one. So, that's what I would like to do.

8 It's the--

9 ERIK BUEHMANN: So you're not going to  
10 sign the permit?

11 MARK SANDERS: I won't sign the--a  
12 permit that requires me to open guests to docks  
13 which cancels my insurance and makes me liable  
14 for things that I can't be liable for, and puts  
15 me at a competitive disadvantage with virtually  
16 every marina. There are always exceptions. You  
17 pointed out places that--for personal watercraft,  
18 which is illegal. But there are always  
19 exceptions. But that doesn't prove the rule.

20 Very, very, very few marinas,  
21 historically, have allowed guests on the docks.  
22 And no new marinas have allowed them on docks.  
23 It--the exceptions are municipal harbors that--  
24 where the owner is a public agency and they say  
25 they accept the liability. That's not my case.

1 BRAD MCCREA: You know what they do at  
2 the Port of Oakland? They have a public guest  
3 dock. It's not the guest dock you're thinking of.

4 MARK SANDERS: Okay.

5 BRAD MCCREA: Well, actually, that one,  
6 too. But they also have a kayak launch, a public  
7 kayak dock around by Kincaid's. And they have a  
8 door there. And there's a door that says, "Public  
9 dock, open during daylight hours." And, every  
10 morning, the marina staffer goes out there and  
11 unlocks the door and puts it open with a little  
12 piece of wire that keeps it open. And, every  
13 evening, they go and release the wire, and the  
14 door swings shut and locks. What if you had a  
15 door that just uses--it was just open during  
16 daylight hours?

17 MARK SANDERS: The problem is we made a  
18 big deal out of it. So, the insurance company,  
19 Great America Insurance, Marina Insurance, said,  
20 "If you open your docks to the guests to public  
21 from the land, we cancel--you're canceled  
22 immediately."

23 WOMAN 1: But can you--

24 MARK SANDERS: It's done.

25 WOMAN 1: Can you remind me--I remember

1 This is entirely private. And I just can't take  
2 it. I just can't do it.

3 ERIK BUEHMANN: John, do you agree with  
4 that?

5 MARK SANDERS: John doesn't agree.

6 JOHN BOWERS: I think Mark has statutory  
7 immunity, just like every other landowner in the  
8 State of California. State law governs these  
9 issues of liability.

10 MARK SANDERS: What they told me was  
11 maritime law is messy because it's--it used to be  
12 vessels working at sea, and it's now been very  
13 broadly interpreted to people working on floats,  
14 working on docks, [UNINTEL] the size of ships.  
15 Handling lines on docks are all construed as  
16 dockworkers. And so, if somebody is bringing a  
17 boat in and I run down and help tie his boat up  
18 and trip and fall, I'm the dockworker and I'm  
19 protected by Jones Act.

20 So, once you're over the water, the  
21 only exception is a new Supreme Court ruling that  
22 says, if it's a floating home, it's not treated  
23 as a vessel. And everybody's shocked. They said,  
24 "What? This is--this flies in the face of  
25 everything for [UNINTEL]."

1 asking this before, and now I can't--how is it  
2 different than here at the ramp, and you have the  
3 adjacent dock? How is the public allowed there?

4 MARK SANDERS: That's a very good  
5 question, and there's two or three situations  
6 where it--for some reason, it's different. I  
7 think I know the reason why. One is fuel docks,  
8 and one is what are called boarding docks and  
9 launch ramps. And that's where people come on,  
10 they board their boat or they launch their boat,  
11 but they're there physically with the boat all  
12 the time. They don't tie the boat up and leave  
13 it.

14 The reason they don't do that on  
15 boarding docks is they go up and down with the  
16 tide. And if you tied your boat up and walked  
17 away, the tied goes out, the dock comes down and  
18 pushes the boat down and crushes it.

19 Fuel docks, you tie up--it's like a gas  
20 station. A gas station, you drive through, you  
21 get your gas, and you--it's not--it's public  
22 parking, but it's you're parking there while  
23 you're getting gas. You never really leave your  
24 car unattended. And so, that's a somewhat  
25 different thing.

1 Now, there are places that actually  
2 have gates that go down for the launch ramps and  
3 stuff like that. Most of them are unattended. And  
4 so, launch ramps have historically been immune to  
5 this sort of thing because people don't go out  
6 and hang out. They sometimes go fish off them or  
7 something like that.

8 But launch ramps are most often  
9 unattended. And, for whatever reason, they don't  
10 seem to be captured in the same thing. But docks  
11 that have boats and power and stuff like that,  
12 it's different. I mean, you can't fall in the  
13 water and get electrocuted or drowned, really, at  
14 a launch ramp, because you can walk right up the  
15 ramp. And so--and fuel docks are typically  
16 attended by somebody physically there. So, those  
17 two areas are somewhat different than docks used  
18 for semi-permanent tie-up of boats where the  
19 boats are tied up and walked away.

20 Now, the security people mostly talk  
21 about security of the visiting boarders. And when  
22 it went to AIA, they came back to the state, to  
23 Sacramento. And Sacramento said, "No." Sacramento  
24 is putting in a lot of public docks with DBW--  
25 from DBW money. And they're making them all

1 locked. And so, they said, "Don't do this because  
2 we're locking our gates."

3 WOMAN 1: But I think our thought  
4 process was that, because these two areas are  
5 separated, that the gas--those--that berthing  
6 situation that you described, they tie up and  
7 leave, and it's a much longer period of stay,  
8 that that would be separated over here, and that  
9 this dock would function not exactly the same,  
10 but more like the launch ramp dock, coming and  
11 going, people around, attending, activity.

12 MARK SANDERS: I know what you're  
13 saying. It's meaningless, but my intention was  
14 there's two reasons the docks are split. One of  
15 them is the long guest dock for the yacht club.  
16 They manage it. It's theirs, and they sign people  
17 in and out, and some of the boarders. Yacht club  
18 members, but they're all going to sign the same  
19 contract, they can come down.

20 My intention was always for the guest  
21 dock and for the restaurant to be more like  
22 Sam's.

23 BRAD MCCREA: Right.

24 MARK SANDERS: People cruise in. There's  
25 lots of places people can go out and look at the

1 water. There's very, very few places where people  
2 can sail their boat, tie up, and go up and get a  
3 bite, almost none left in the Bay. And so, that's  
4 what I was trying to--it's public access, but  
5 it's the kind of public access we need.

6 ERIK BUEHMANN: I just thought of  
7 another one. Pier One and a Half over here, Simon  
8 Snellgrove's development, that's a public access  
9 pier where he lets people walk down.

10 MARK SANDERS: I don't know where that  
11 is.

12 ERIK BUEHMANN: Oh, right across the  
13 street at Lamar Restaurant, Pier One and a Half,  
14 just left of the ferry building.

15 WOMAN: That's right.

16 MARK SANDERS: There's [UNINTEL]  
17 Horizon, next to [UNINTEL]. They have a little--  
18 it's closed now, but they [UNINTEL].

19 ERIK BUEHMANN: I'm talking about right  
20 over here by the ferry building. I suggest, if it  
21 would be worth a walk across the street--

22 WOMAN: I say we should go talk to him.

23 ERIK BUEHMANN: And we see--talk to  
24 Simon, Simon Snellgrove is--you'd like Simon a  
25 lot. He's a--

1 MARK SANDERS: It's a restaurant?

2 ALEX: San Francisco Waterfront  
3 Partners. [UNINTEL PHRASE]

4 ERIK BUEHMANN: He's a developer. And he  
5 has a--and he redeveloped--hey, Alex, can we have  
6 a common conversation, please? We have Piers One  
7 and a Half, Three, and Five over here. Simon  
8 redeveloped them. And, as part of that, he wanted  
9 Mediterranean ties on the back of the boats, and  
10 he also wanted a public dock, because he wanted  
11 people to be able to pull up to Lamar. It's one  
12 of the few places on the Bay where you can do  
13 that.

14 MARK SANDERS: Right. Yeah.

15 ERIK BUEHMANN: A la Sam's. And we  
16 required that dock, and we required it for public  
17 access. And every day, there is docks down there,  
18 unattended docks, boats tied up there unattended,  
19 sailboats, small dinghies.

20 MARK SANDERS: They're in the  
21 restaurant.

22 ERIK BUEHMANN: And they're someplace on  
23 the San Francisco waterfront.

24 MARK SANDERS: Yeah.

25 ERIK BUEHMANN: There's a three- to



<p style="text-align: right;">Page 154</p> <p>1 four-hour time limit, how long they can be--and  2 the public is able just to walk down and stand on  3 the docks and look.  4 MARK SANDERS: And he owns it?  5 ERIK BUEHMANN: He owns the--he has the--  6 -  7 MARK SANDERS: Or he has a license to  8 use it?  9 ERIK BUEHMANN: He has a long-term lease  10 from the Port of San Francisco.  11 MARK SANDERS: Yeah. See, that's the big  12 difference. If the long-term lease holder  13 requires it--when I talked to Madden at  14 Sausalito, they said it's a City requirement;  15 it's been for 60 years. And so, the City requires  16 it; I have to do it. And that transfers the  17 liability from me onto them. So.  18 WOMAN 1: What is Simon's last name?  19 ERIK BUEHMANN: Right here, Snellgrove.  20 WOMAN 1: Oh, thank you.  21 MARK SANDERS: Anyway, at this stage, I  22 cannot go without insurance. My insurance company  23 is--they sent you a letter. There was no ifs,  24 ands, or buts about it. They said, "We will not  25 insure you if you do this."</p>	<p style="text-align: right;">Page 155</p> <p>1 ERIK BUEHMANN: Just so--  2 MARK SANDERS: Simple as that.  3 ERIK BUEHMANN: So we're clear your  4 position, you won't sign the amendment if it  5 includes that the guest berth docks have to be  6 open to public. But, if it didn't include that,  7 you would sign the permit?  8 MARK SANDERS: Well, there's two or  9 three discussion areas. That was one of the big  10 ones, I think. I think there were two others.  11 ERIK BUEHMANN: I think we solved all  12 the other ones.  13 WOMAN 1: [UNINTEL PHRASE] I think we've  14 moved past the timing.  15 ERIK BUEHMANN: The timing was the big  16 one, right? And we talked about that.  17 WOMAN 1: We got past that.  18 MARK SANDERS: The timing, we solved  19 that. The other one that immediately comes to  20 mind is the--oh, hold on.  21 ERIK BUEHMANN: [UNINTEL]  22 MARK SANDERS: Allegation, yeah, we had  23 all these allegations with all--you know, all  24 these claims. And I felt we went through, and I  25 think every one of them is--you know, it may be</p>
<p style="text-align: right;">Page 156</p> <p>1 subject to interpretation, but not correct. But  2 the document still says that I am still subject  3 to those allegations or those fines.  4 And so, to me, we're fixing the  5 contract because many of the problems came from  6 that. But some of them are simply  7 interpretations.  8 ERIK BUEHMANN: So, this is something  9 that we've talked about several times.  10 MARK SANDERS: Yeah.  11 ERIK BUEHMANN: And maybe John can talk  12 about it again. But, you know, like, the permit  13 has to explain why we are amending the permit  14 right now. And it has to acknowledge that there's  15 an enforcement action against you. So, there are  16 parts of the findings that talk about that, and I  17 can't--we can't take them out, because it has to  18 explain to the world why we're doing this. And  19 we're doing it so you come back into compliance  20 with the permit and that the development that you  21 have made and are making, you know, it complies  22 with the permit and it corresponds to the permit.  23 And that--and then we can also open up  24 that public access, is what we really want. But,  25 in terms of solving the--doing an enforcement</p>	<p style="text-align: right;">Page 157</p> <p>1 thing, like I told you on the phone, this isn't  2 going to be a cure-all for that. And that needs  3 to also be acknowledged in the findings, just  4 because that's like how legally it has to work.  5 MARK SANDERS: But that's--  6 ERIK BUEHMANN: And so, I know it's  7 hurtful and that it hurts. But it's not meant to  8 be hurtful. It's just meant to explain the  9 situation. And that's [UNINTEL].  10 MARK SANDERS: I understand. But, since  11 I'm not out of compliance in the contract, in my  12 belief, and I believe I can actually prove that,  13 I can't sign a document that basically says I  14 recognize I'm out of compliance, when I'm not.  15 ERIK BUEHMANN: But, like I said, that's  16 something that comes after. That's the argument  17 that you make after. And John can talk about  18 that. I guess I shouldn't be the one to talk  19 about it, or Adrienne.  20 MARK SANDERS: But, Erik, you have to  21 understand the backdrop of all these problems was  22 Will Travis saying, "Don't worry about these  23 errors; we'll fix them later." And here we are,  24 10 years. We never fixed them later. So, I don't  25 have good faith that that will happen.</p>

1 ERIK BUEHMANN: But that's [UNINTEL].  
 2 WOMAN: Except this process has, in  
 3 fact--  
 4 MARK SANDERS: This has been very good.  
 5 And so--  
 6 ERIK BUEHMANN: And haven't we changed a  
 7 lot and fixed a lot of stuff?  
 8 MARK SANDERS: We have.  
 9 ERIK BUEHMANN: [UNINTEL] And we're  
 10 having a really nice meeting right now. So, I'm  
 11 not trying to get you all riled or anything. I'm  
 12 just trying to make it clear why those words are  
 13 there. And they're there because it has to--that  
 14 has to happen.  
 15 [UNINTEL - VOICES OVERLAPPING]  
 16 MARK SANDERS: What allegations are  
 17 still valid after this?  
 18 WOMAN: Maybe you should--  
 19 MARK SANDERS: What allegations are--  
 20 ADRIENNE KLEIN: Yeah, I'm not prepared  
 21 to go through the list today, because we really  
 22 wanted to focus on the permit. We can definitely  
 23 schedule a separate meeting to do that.  
 24 BRAD MCCREA: And also, I mean, it's a  
 25 small thing, because--

1 WOMAN 1: But I guess maybe I'll make  
 2 kind of a more overarching statement that we  
 3 started with a permit where we thought this  
 4 public access would be available at certain  
 5 times. There were construction issues; there--  
 6 changing when you thought you would build  
 7 different things.  
 8 But the public--we thought the public  
 9 access would be open prior to the use of [UNINTEL  
 10 PHRASE] so, prior to the use of what you were  
 11 building, we thought the public would be able to  
 12 get out there and enjoy it, and be able to walk  
 13 the paths, not all of it, it wasn't all happening  
 14 at once, but the--or I can't remember now.  
 15 ADRIENNE KLEIN: The whole marina basin.  
 16 WOMAN 1: Right. So, public access was  
 17 to be available. And so, on a global level,  
 18 looking at it, I don't think you quibble with  
 19 that, that, you know, that was the understanding.  
 20 That's not a little, factual number error like we  
 21 came upon that it should have been 26.6 acres and  
 22 it was the wrong reference. That wasn't a  
 23 crossing of wires on a little, tiny detail or  
 24 fact. That was a more global understanding. So,  
 25 we don't think that there is a mix-up there.

1 Now we're trying to get to something  
 2 that will actually work, the timing. It didn't  
 3 work as we both thought it might. So, now we're  
 4 trying to figure out something that will.  
 5 MARK SANDERS: So, I understand what  
 6 you're saying, an thank you. The one thing is, in  
 7 my mind, completely reversed. The reason for  
 8 Amendment 6 was, after the failure, we needed--we  
 9 knew we needed to leave a big bench. And here's a  
 10 photograph of the bench. Thousands and thousands  
 11 of cubic yards, going out 54 feet, all the way  
 12 around the harbor, to protect the levy until we  
 13 flooded. And then, after we flooded, we have to  
 14 go back with these giant excavators and muck out  
 15 that mud and spread it and dry it [UNINTEL].  
 16 This is the area a year later. This is  
 17 after we've opened the harbor. This is where the  
 18 public access is supposed to go. It's physically--  
 19 that was the whole point. When we presented this  
 20 to the DRB, they said, "Of course, it's going to  
 21 take you a while to muck out this mud like that,  
 22 spread it and dry it and compact it and [UNINTEL]  
 23 it." And so, the idea that we could put public  
 24 access out here on top of that is crazy. It was  
 25 never---nobody thought that.

1 ERIK BUEHMANN: See, now we changed the  
 2 permit, though.  
 3 MARK SANDERS: But, no--  
 4 ERIK BUEHMANN: So--  
 5 MARK SANDERS: Erik, so, we're coming  
 6 back. It's a new group of people coming back 10  
 7 years later and reinterpreting what this was  
 8 about. This is what it was about. The whole point  
 9 was we couldn't open public access because we  
 10 still had three years of excavation to do.  
 11 ERIK BUEHMANN: So, this is [UNINTEL].  
 12 You know, like, you're--we're talking about kind  
 13 of two different things, but they're related, in  
 14 the sense that now we're changing the permit  
 15 because you can't provide the access, right? Now.  
 16 You can't provide it now.  
 17 And what I thought--always thought our  
 18 process was, what we were doing, was I was  
 19 amending the permit and you would sign the permit  
 20 because it reflected what you had done and what  
 21 you were going to do, and it allowed us to open  
 22 the public [UNINTEL]. And then you would go and  
 23 have the discussion with Adrienne and John about  
 24 those enforcement issues.  
 25 And then it would always be fair for

1 you to bring up the things that we had changed,  
2 the things that we disagree about. But, you know,  
3 like--and compromise about, or whatever. You  
4 know, like, this whole process is fair game for  
5 talking about that, and talking about those  
6 factual issues that you're talking about right  
7 now. So, that's all [UNINTEL PHRASE]--

8 [UNINTEL - VOICES OVERLAPPING]

9 MARK SANDERS: You put in the permit a  
10 clause that says, "We fixed all this, but we're  
11 still holding you responsible for the public  
12 access that you failed to put in, in this  
13 condition," when that's what the amendment was  
14 about in the first place." And I can't sign that.

15 ERIK BUEHMANN: It's different. No, it's  
16 different from what you're saying, because what  
17 you're saying is that we're holding you  
18 responsible. There's a process that still has to  
19 happen and that hasn't completely finished yet.  
20 This is part of that process. It's not saying  
21 that, if you sign this permit, you're--you know,  
22 like, it's all over, and you are--everything that  
23 we ever said about you is true, and everything  
24 that you said is false, or anything like that.

25 That's not what it is doing. It's

1 making you into compliance with this permit. It  
2 actually helps you, because it puts you on a  
3 better place.

4 MARK SANDERS: [UNINTEL PHRASE]

5 ERIK BUEHMANN: [UNINTEL PHRASE] saying,  
6 like, "Hey, look at these things we've changed,"  
7 but [UNINTEL] move on.

8 MARK SANDERS: So, let's do this--

9 [UNINTEL - VOICES OVERLAPPING]

10 ERIK BUEHMANN: [UNINTEL] we've made all  
11 these changes, and you're not willing to sign the  
12 permit, I just don't understand.

13 MARK SANDERS: So, Erik, let's do this.

14 Let's do this. Let me [UNINTEL PHRASE] and where  
15 it says that I am still under enforcement action,  
16 say that the allegations--the remaining  
17 allegations are still subject to review and we'll  
18 go through them. But it doesn't say that. It says  
19 I'm still on the hook for them.

20 ADRIENNE KLEIN: I just checked with  
21 John to see if we can add a statement to the  
22 findings that says that the permittee doesn't  
23 agree with all the findings. And John said, or he  
24 should suggest something that he prefers, so.

25 [UNINTEL - VOICES OVERLAPPING]

1 JOHN BOWERS: Well, that'd be a separate  
2 letter. I mean, you could provide us with a  
3 statement--I'll even help you write it--that says  
4 that, in signing this permit, I am not accepting  
5 any implication that would otherwise be made  
6 under this permit that any violation of this  
7 permit has ever occurred. You can protect  
8 yourself.

9 ERIK BUEHMANN: Yeah. I understand what  
10 you're saying now, and that--

11 MARK SANDERS: But couldn't you just  
12 take Erik's words and put those in there, say,  
13 "Look, the rest of the enforcement actions are  
14 still to be reviewed."

15 ERIK BUEHMANN: [UNINTEL]

16 MARK SANDERS: Instead of saying that  
17 they're yours unless we change our mind,  
18 [UNINTEL] what it says now? That's just an easy--

19 ERIK BUEHMANN: I don't necessarily  
20 agree that that's what it says, but I--you know,  
21 I think, as long as Adrienne and John think  
22 that's okay, I don't see why that would be a  
23 problem.

24 JOHN BOWERS: I'd rather look at the  
25 problematic page.

1 ERIK BUEHMANN: Sure, what page are you  
2 on, page number?

3 JOHN BOWERS: [UNINTEL PHRASE]

4 ERIK BUEHMANN: Paragraph 33.

5 MAN 1: [UNINTEL] hand John a copy of  
6 [UNINTEL].

7 MARK SANDERS: Brad, what if you did  
8 this?

9 ERIK BUEHMANN: Okay. It's--

10 BRAD MCCREA: Hang on. Let's just see if  
11 we can solve it right now.

12 ERIK BUEHMANN: It's in the first  
13 paragraph, is the general, this part right here.

14 ADRIENNE KLEIN: [UNINTEL] five?

15 ERIK BUEHMANN: Right, yeah, by--it  
16 starts, "By letter dated September 1st, 2011."

17 BRAD MCCREA: "The staff commenced a  
18 penalty clock to induce compliance with the  
19 public access and other requirements of this  
20 amended permit. The modifications authorized as a  
21 result of this effort will facilitate the  
22 [UNINTEL] of the enforcement case."

23 JOHN BOWERS: I don't--you don't need  
24 that.

25 MARK SANDERS: But, I mean--

1 JOHN BOWERS: Do you agree, Adrienne?  
 2 You don't need that in these findings. I mean,  
 3 yes, that's part of the fact [UNINTEL], but that  
 4 doesn't--that's not a necessary element of these  
 5 findings. Right?  
 6 ERIK BUEHMANN: And there was language  
 7 that--you know.  
 8 MARK SANDERS: Because [UNINTEL] I wrote  
 9 21 letters on each item. No letter has ever been  
 10 answered.  
 11 ERIK BUEHMANN: But let's talk about the  
 12 permit right now. So, would it--you know, would  
 13 it make you feel better if we added some language  
 14 saying that, you know, the case is--the  
 15 enforcement effort is still ongoing?  
 16 MARK SANDERS: What page?  
 17 ERIK BUEHMANN: It's 33.  
 18 MARK SANDERS: Okay.  
 19 ERIK BUEHMANN: And it's the--it'll be  
 20 the third paragraph. It'll be the first paragraph  
 21 of Amendment Number 5, if that's the language  
 22 you're talking about, because there was language  
 23 that you were upset about that we took out of  
 24 these findings. So, I want to highlight that.  
 25 WOMAN: Yeah, that's right. So, maybe

1 yet been fully [UNINTEL PHRASE] okay. The one  
 2 about the enforcement action, this is what I was  
 3 looking for.  
 4 ERIK BUEHMANN: It's halfway down  
 5 through that [UNINTEL].  
 6 MARK SANDERS: Oh, it is?  
 7 ERIK BUEHMANN: Yeah. So, check out  
 8 [UNINTEL].  
 9 MARK SANDERS: Oh, [UNINTEL] "Staff  
 10 commenced a penalty clock to induce compliance  
 11 with the public access and other requirements of  
 12 the amended permit. The modification [UNINTEL  
 13 PHRASE] facilitate the resolution."  
 14 JOHN BOWERS: [UNINTEL PHRASE]  
 15 ERIK BUEHMANN: That's our revised  
 16 language.  
 17 ADRIENNE KLEIN: So, the proposal by  
 18 John is to eliminate that sentence.  
 19 ERIK BUEHMANN: That's our revised  
 20 language, so that's better.  
 21 JOHN BOWERS: It's just a factual  
 22 statement, right? [UNINTEL] understand that Mark  
 23 would find that to be problematic.  
 24 ERIK BUEHMANN: Yeah, I removed language  
 25 that [UNINTEL PHRASE] language.

1 it's changed already.  
 2 ERIK BUEHMANN: Yeah.  
 3 MARK SANDERS: No, I--yeah. I just--  
 4 here's my note. It just says, "No way." If  
 5 [UNINTEL] is unwilling to make the site  
 6 available--  
 7 ERIK BUEHMANN: What is that? No, I took  
 8 that out.  
 9 MARK SANDERS: No, you--no, it's still  
 10 here.  
 11 WOMAN: [UNINTEL] the right date.  
 12 MARK SANDERS: But you've agreed to take  
 13 it out now, yes. At this meeting, you did. I'm  
 14 reading what you're talking about here.  
 15 [UNINTEL - VOICES OVERLAPPING]  
 16 ERIK BUEHMANN: No, you don't have the  
 17 right copy.  
 18 MARK SANDERS: Oh, sorry, I picked up  
 19 the right one. I have the right one. I just  
 20 picked up the wrong one. Sorry, you guys. This  
 21 is--  
 22 ERIK BUEHMANN: We're right here, Mark.  
 23 It's this paragraph right here, so [UNINTEL  
 24 PHRASE].  
 25 MARK SANDERS: [UNINTEL PHRASE] have not

1 MARK SANDERS: Yeah, guys, [UNINTEL  
 2 PHRASE].  
 3 ERIK BUEHMANN: Yeah, I removed that.  
 4 MARK SANDERS: Yeah.  
 5 [UNINTEL - VOICES OVERLAPPING]  
 6 WOMAN: Well, perhaps it's been modified  
 7 to your satisfaction.  
 8 ERIK BUEHMANN: I think Mark is going to  
 9 check it out right now. I think he's going to  
 10 take a look and see if there is something else  
 11 that was--he was thinking of. The purpose of this  
 12 meeting is to narrow it down, to see if--what  
 13 issues we--  
 14 MARK SANDERS: Yeah.  
 15 ERIK BUEHMANN: If--you know, what I was  
 16 hoping is that we'd be able to just agree on  
 17 everything. But it seems like the public dock is  
 18 still outstanding. And I'd like--what I'd like to  
 19 do is put this issue to bed so that we only have  
 20 the public dock issue outstanding.  
 21 MARK SANDERS: Okay.  
 22 ERIK BUEHMANN: Let's not argue over  
 23 some words in the findings.  
 24 MARK SANDERS: You guys fully understand  
 25 what I'm saying. I want to make sure that new

<p style="text-align: right;">Page 170</p> <p>1 language just says, look, you are still--if we're  2 still reviewing enforcement actions, that's fine.  3 ERIK BUEHMANN: Do you want me to put  4 that in the thing?  5 MARK SANDERS: What I would suggest is  6 you understand where I'm coming from. I'm okay--  7 with what I've seen here, I can't find the part I  8 was concerned about. Maybe you and I can chat  9 about it. I just want to make sure that it  10 doesn't impugn in some way [UNINTEL].  11 ERIK BUEHMANN: [UNINTEL PHRASE] let's  12 go ahead and amend the permit like we expect to  13 amend it. It's going to include still the public  14 access dock that you disagree with. But it's  15 going to have everything else. And then you can  16 read through it and make sure that all of the--  17 MARK SANDERS: Yeah, but nobody knows  18 any--are there any allegations left that you  19 think are--I mean, sprinklers, sprinklers get on  20 the path when it blows windy. You know, that's an  21 allegation that's still outstanding. Is there any  22 one that has substance that you think still  23 you're going to bring to bear? You know, the--I  24 don't--you know, whatever [UNINTEL] signs, is  25 there any allegation that you think still has</p>	<p style="text-align: right;">Page 171</p> <p>1 merit?  2 ERIK BUEHMANN: I think that's a  3 separate process that we're going to--you're  4 going to have to--  5 ADRIENNE KLEIN: [UNINTEL PHRASE]  6 MARK SANDERS: [UNINTEL PHRASE] I mean,  7 somebody must remember if there's one.  8 ERIK BUEHMANN: I--  9 ADRIENNE KLEIN: Well, I don't--we don't  10 have approved plans yet for all the public access  11 that's built. That's the--  12 MARK SANDERS: But you had a plan  13 submitted on time, and you have the 45 days to  14 review it. So, I've fulfilled my obligation  15 [UNINTEL]. And I have absolute proof that you got  16 it. So, are there any allegations--  17 ADRIENNE KLEIN: So, I'm not quite  18 understanding that comment.  19 WOMAN: Well, maybe you should describe  20 the process, the enforcement process, or--  21 ADRIENNE KLEIN: Well, I mean, there's  22 layers of the question that you're asking, Mark.  23 So, what--I think what you're asking--I don't  24 think you're asking about fines. I think you're  25 simply saying: will the issuance--if you sign</p>
<p style="text-align: right;">Page 172</p> <p>1 this amended permit, are you effectively  2 resolving the, I think, 10-odd violations that  3 were cited in Tom Sinclair's letter of September  4 2011?  5 MARK SANDERS: Yeah.  6 ADRIENNE KLEIN: And, you know, you had--  7 -you fixed some of those violations. We dealt  8 with--and some of them were silly, you know. It's  9 like, if we--you know, we don't--we recognize  10 that those letters are difficult. We don't relish  11 writing them.  12 We don't--you know, it doesn't make  13 sense for us to partially cite problems. You  14 know, we don't write letters that just cite the  15 big problems. We do a thorough review and we cite  16 all the problems. So, you know, it was a big  17 laundry list. And, you know, you did fix some of  18 them.  19 MARK SANDERS: [UNINTEL PHRASE]  20 ADRIENNE KLEIN: If I can just finish my  21 train of thought? Thank you. And so, again, I  22 purposefully--you know, I did not review that  23 letter and tally up where we're at before this  24 meeting, because this permit amendment is a giant  25 step for all of us forward. And it really</p>	<p style="text-align: right;">Page 173</p> <p>1 benefits you, because it moves forward due dates.  2 ERIK BUEHMANN: I think the short answer  3 is we don't know.  4 JOHN BOWERS: Yeah. I can--John, what I  5 hear Adrienne saying is that we have made no  6 final decision as of this point as to whether or  7 not we're going to be pursuing any further  8 remedies, enforcement remedies against you. That  9 is something to be decided at a later stage.  10 ADRIENNE KLEIN: But I think, for you,  11 to link--I mean, it would be my--if you are  12 talking about fines versus whether there are--are  13 you talking about money or are you just talking  14 about will the amendment fix the violations? Is  15 there anything else left that isn't fixed by the  16 amendment? Is that the question?  17 MARK SANDERS: No, it's I believed, and  18 I still believe, I've done everything to stay  19 within--follow the guidelines. I don't--the only  20 places where I've violated the permit is where it  21 says, "Do this in one spot and don't do it in  22 another spot. You can't do both." So, I believe  23 I--with the exception of the date running out, I  24 believe I've always been in compliance and I'm  25 still in compliance.</p>

1 So, I don't believe I've fixed  
2 anything. We have fixed the permit in 44 specific  
3 areas of the permit. That's a huge step. But I'm  
4 asking the question that, after two years of  
5 battling over allegations, are there any  
6 allegations that are still outstanding? And  
7 nobody knows. We've gotten so focused on the  
8 permit, we've forgotten the reason for the  
9 meeting.

10 ADRIENNE KLEIN: [UNINTEL PHRASE] All  
11 right. Well, look, so I know that you won't agree  
12 with me, Mark, but the--you know, the way the  
13 permit reads now is that the site, the whole  
14 marina basin, should be constructed as public  
15 access, and signed and available to the public.  
16 And that is not the case. And that is the main  
17 reason why we are sitting at this table. You  
18 know, it is frustrating--

19 MARK SANDERS: [UNINTEL] Adrienne--

20 ERIK BUEHMANN: But we're not done.  
21 That's [UNINTEL].

22 MARK SANDERS: Okay. But, so, that's  
23 where it's just interpretation. And so, I did  
24 talk to one member of the DRB, because I'm  
25 crystal-clear on what we presented. He says, "Of

1 course that's the way it was." So, what you're  
2 saying, Adrienne, wasn't what happened. I was  
3 there.

4 ADRIENNE KLEIN: But this is--this  
5 permit says what it says. And this is what  
6 matters. And this Amendment Number 5 says that  
7 the access is due now.

8 MARK SANDERS: Well, then--

9 ADRIENNE KLEIN: And has been due for a  
10 number of years.

11 ERIK BUEHMANN: So, it sounds like what  
12 we're going to do is I'm going to finish amending  
13 the permit with your comments and stuff that we  
14 agreed on today, except for those [UNINTEL] the  
15 guest dock thing, which just--you know, so you  
16 remember that that's going to be there.

17 I want you to review the permit that I  
18 sent you, not the old versions, and make sure  
19 that there's nothing--any additional--you should  
20 email me and let me know. There was another  
21 thing, I can't remember what it was, that we  
22 were--

23 ADRIENNE KLEIN: Probably, Erik, it  
24 would make sense for us to fix it based on the  
25 discussion we've had today and resend it, fixed,

1 and have Mark [UNINTEL].

2 ERIK BUEHMANN: Well, because there was  
3 some other stuff that he couldn't quite remember,  
4 and I want him to look at the findings, too, and--  
5 -

6 MARK SANDERS: I sent you a [UNINTEL]  
7 email with some of them. So, I just didn't know  
8 if you had caught those or not. But--

9 BRAD MCCREA: Yes, he caught those all.

10 MARK SANDERS: Okay.

11 ERIK BUEHMANN: Yeah, I caught them all.  
12 And so, we fixed--so, I'll add the final fixes,  
13 except for that--there's going to be the guest  
14 dock. We'll send it to you.

15 BRAD MCCREA: Yes, we'll send it to you  
16 this--next week, early next week.

17 ERIK BUEHMANN: Yes.

18 BRAD MCCREA: And we will think about  
19 the guest dock. And, if we come up with different  
20 language that we think works for everybody, we'll  
21 include it for your consideration.

22 ERIK BUEHMANN: Yeah. And then, after  
23 that, hopefully it's something that you can sign  
24 and you will sign it, after all this great work  
25 that we've done. After that, we'll enforce the--

1 you know, we're not going to be finished, because  
2 there will be more, like, enforcement stuff to  
3 do. But this is a piece of that. It's not like  
4 something that is--we're not going to be  
5 finished.

6 ADRIENNE KLEIN: And not--right, and I  
7 think--

8 MARK SANDERS: Is it reasonable to--  
9 since I think there were, like, 33 allegations in  
10 total, is it realistic for me to ask you--I mean,  
11 we've had a lot of time to think about it--to  
12 tell me if you think any of those allegations  
13 still have merit, after this?

14 ADRIENNE KLEIN: Sure. Absolutely.

15 MARK SANDERS: Because if you come back  
16 here saying, "You know what? We didn't include  
17 them all," then I'm fine. My worry is Lucy  
18 pulling the football again, that we've signed  
19 this and we've made some progress, but I'm still  
20 on the hook and somehow still [UNINTEL].

21 ERIK BUEHMANN: Yeah. Does this  
22 [UNINTEL] on all 10 items? Do you know? Don't  
23 know. I also want to say that we might not send  
24 the stuff at the same time. Like, I might send  
25 the permit at a different time. But, you know,

1 like--yeah. So, it might not all just happen in  
2 one.

3 MARK SANDERS: Yeah, because, in my  
4 mind, you know, [UNINTEL PHRASE]

5 ADRIENNE KLEIN: Well, but, again, Mark-  
6 -

7 MARK SANDERS: They're linked together.

8 ADRIENNE KLEIN: Right.

9 MARK SANDERS: The allegations and the--

10 ADRIENNE KLEIN: Well, and I--you  
11 addressed exactly what I wanted to say, which is  
12 that I--there are [UNINTEL PHRASE] on the one  
13 hand. But signing the permit benefits you in  
14 terms of resolving issues that I know you don't  
15 think you have but that we think you have. And  
16 so--

17 MARK SANDERS: Well, I see [UNINTEL  
18 PHRASE].

19 [UNINTEL - VOICES OVERLAPPING]

20 MARK SANDERS: [UNINTEL] fix a lot of  
21 that. I mean, that, I accept that, that the  
22 permit goes a long way, because you can read it  
23 one way and I'm fine, and read it another way,  
24 it's wrong. And so, we fixed a lot of those. But  
25 I'm--I just can't keep doing this and having the

1 project unfold. That's what worries me, is what  
2 should be a great project is falling apart.

3 ERIK BUEHMANN: Well, we want to open  
4 the--yeah, we want to finish this and open the  
5 public access and resolve the case, [UNINTEL]. I  
6 like that.

7 ELLEN MIRAMONTES: And I think there  
8 will be a great benefit to you with the public  
9 access opening, because those teens shooting  
10 pistols into the marina aren't going to be there  
11 if there's a couple doing some bird-watching  
12 beside them. You know, or whatever. It will help  
13 provide some safety.

14 MARK SANDERS: Yeah. That makes sense,  
15 Ellen, sitting here. But when we're out there,  
16 [UNINTEL] there is no public out there, at all.  
17 There's no [UNINTEL PHRASE] That's the problem.  
18 The public comes from the boats.

19 ERIK BUEHMANN: But you have a lot of  
20 great--and this is another thing we didn't talk  
21 about, the other proposed amendments that you  
22 have. So, we should have another meeting  
23 eventually about, like, the--you know, like maybe  
24 the hotel and things like that. We didn't get to  
25 that because this kind of got [UNINTEL].

1 But that's something that, just like we  
2 were kind of talking about any changes, that's  
3 something--because, you know, you're going to  
4 build a lot of stuff out there. People are going  
5 to be there. And they're going to--and those  
6 public access benefits are for them, and they're  
7 for the people using the marina, you know. So,  
8 they'll like it.

9 BRAD MCCREA: So, Erik, are we done?

10 ERIK BUEHMANN: Yeah. I guess we're  
11 done. Are we done?

12 [UNINTEL - VOICES OVERLAPPING]

13 MARK SANDERS: I have a totally  
14 different thing--I don't know if you have any  
15 more time left. I actually wanted to expose BCDC  
16 to next steps, because--

17 ADRIENNE KLEIN: Yeah, that's what ERIK  
18 BUEHMANN: was just saying. We would love to talk  
19 to you about that on another day.

20 WOMAN: Yeah, [UNINTEL PHRASE].

21 ERIK BUEHMANN: Yeah, I can't do it  
22 today, unfortunately. I tried to block out a  
23 bunch of time, but I have to go at like 1:30, so,  
24 [UNINTEL].

25 WOMAN: I think that's--

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